

EXHIBIT C

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----x
5 SELENA STALEY, VIVIAN HOLMES, and
6 OLIVE IVEY, on behalf of themselves
7 and all others similarly situated,
8

9 Plaintiffs, No.
10 22-cv-6781

11 vs.
12

13 FSR INTERNATIONAL HOTEL INC. d/b/a
14 FOUR SEASONS HOTELS AND RESORTS,
15 HOTEL 57 SERVICES, LLC, HOTEL 57, LLC,
16 TY WARNER HOTELS & RESORTS, LLC, and
17 H. TY WARNER,
18

19 Defendants.
20 -----x
21

22 DEPOSITION OF OLIVE IVEY
23

24 New York, New York
25 Friday, March 31, 2023
26

27 Reported by:
28 Frank J. Bas, RPR, CRR
29 Job No. 224133
30

	Page 2	Page 3
<p>1</p> <p>2</p> <p>3</p> <p>4 March 31, 2023</p> <p>5 9:58 a.m.</p> <p>6</p> <p>7 Deposition of OLIVE IVEY, held at the</p> <p>8 offices of Freeborn & Peters, 1155 Avenue of</p> <p>9 the Americas, New York, New York, before Frank</p> <p>10 J. Bas, a Registered Professional Reporter,</p> <p>11 Certified Realtime Reporter, and Notary Public</p> <p>12 of the State of New York.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 Brustein Law</p> <p>5 Attorneys for Plaintiffs</p> <p>6 299 Broadway</p> <p>7 New York, NY 10007</p> <p>8 BY: Evan Brustein, Esq.</p> <p>9</p> <p>10 Bromberg Law Office</p> <p>11 40 Exchange Place</p> <p>12 New York, NY 10005</p> <p>13 BY: Brian Bromberg, Esq.</p> <p>14</p> <p>15 Stokes Wagner</p> <p>16 Attorneys for FSR</p> <p>17 International Hotels, Inc.</p> <p>18 903 Hanshaw Road</p> <p>19 Ithaca, NY 14850</p> <p>20 BY: Paul Wagner, Esq. (Via Zoom)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	
	Page 4	Page 5
<p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 Freeborn & Peters</p> <p>5 Attorneys for Warner Defendants</p> <p>6 311 South Wacker Drive</p> <p>7 Chicago, IL 60606</p> <p>8 BY: James Boland, Esq.</p> <p>9 Kathryn Lundy, Esq.</p> <p>10 Marc Zimmerman, Esq.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 - ooo -</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 O. IVEY</p> <p>2 ATTORNEY LUNDY: Good morning.</p> <p>3 Kathryn Lundy of Freeborn & Peters on</p> <p>4 behalf of the Warner defendants.</p> <p>5 ATTORNEY BOLAND: Jim Boland of</p> <p>6 Freeborn & Peters also on behalf of the</p> <p>7 Warner defendants.</p> <p>8 ATTORNEY BRUSTEIN: Evan Brustein,</p> <p>9 Brustein Law, for Olive Ivey.</p> <p>10 ATTORNEY BROMBERG: Brian Bromberg,</p> <p>11 Bromberg Law Office PC, also for Olive</p> <p>12 Ivey.</p> <p>13 ATTORNEY WAGNER: Paul Wagner from</p> <p>14 Stokes Wagner for FSR International</p> <p>15 Hotels, Inc.</p> <p>16 ----</p> <p>17</p> <p>18 OLIVE IVEY,</p> <p>19 called as a witness, having been first duly</p> <p>20 sworn by a Notary Public, was examined and</p> <p>21 testified</p> <p>22 as follows:</p> <p>23 EXAMINATION BY</p> <p>24 ATTORNEY LUNDY:</p> <p>25 Q. Good morning, Ms. Ivey.</p>	

<p>1 O. IVEY</p> <p>2 A. Good morning.</p> <p>3 Q. My name is Kathryn Lundy. I'm an attorney from Freeborn & Peters, and I am an attorney representing some of the defendants in the lawsuit that you brought that we're here to talk about today.</p> <p>4 As you know, you were just sworn under oath and we ask you to tell the truth for each question that I ask.</p> <p>5 In the process of me asking questions we have a court reporter with us today, so it's important for him to be able to get down my questions and your answers. So even when you think you know the completion of my question, I ask you to let me complete my question before you are answering it. Okay?</p> <p>6 A. Mm-hmm.</p> <p>7 Q. And I also ask that all of your answers be verbal, because the court reporter can't get down gestures or general sounds. It has to be yes, no, or verbal responses.</p> <p>8 A. Understood.</p> <p>9 Q. If at any time you don't understand</p>	<p>Page 6</p> <p>1 O. IVEY</p> <p>2 a question, please let me know and I'll try to rephrase it. But if you answer the question I am going to understand that you understood the question that I asked. Understood?</p> <p>3 A. Understood.</p> <p>4 Q. If you ever need a break during the deposition that's completely fine, we can certainly take breaks. I would just ask that if there's a question pending, that you answer the question before we do so. Is that okay?</p> <p>5 A. Yes.</p> <p>6 Q. Ms. Ivey, do you have any reason to believe that you would be unable to answer my questions today truthfully?</p> <p>7 A. No.</p> <p>8 Q. Can you please provide your full name for the record, please, spelling your last name?</p> <p>9 A. Olive Ivey. I-v-e-y.</p> <p>10 Q. And what is your current address?</p> <p>11 A. [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 Q. And your cell phone number?</p> <p>14 A. [REDACTED]</p>
<p>10 Q. And have you had any other cell phone numbers in the last three years?</p> <p>11 A. No.</p> <p>12 Q. And have you had any different cell phone devices in the past three years?</p> <p>13 A. No.</p> <p>14 Q. And what about in the past five years?</p> <p>15 A. No.</p> <p>16 Q. Are you known by any other name?</p> <p>17 A. Yes.</p> <p>18 Q. And what other names do you go by?</p> <p>19 A. Olive Rodriguez. That was my married name.</p> <p>20 Q. And for what period of time were you referred to as Olive Rodriguez?</p> <p>21 A. Up until now. I'm in the process of changing my name due to divorce.</p> <p>22 Q. Any other names?</p> <p>23 A. No.</p> <p>24 Q. What about Williams, have you ever been known by Olive Williams?</p> <p>25 A. Oh, many years ago. Yes. Sorry, that was a previous marriage.</p>	<p>Page 8</p> <p>1 O. IVEY</p> <p>2 Q. And for what period of time did you go by Olive Williams?</p> <p>3 A. I don't remember. A couple of years, maybe.</p> <p>4 Q. Was it more than five years ago?</p> <p>5 A. Yes.</p> <p>6 Q. More than ten years ago?</p> <p>7 A. Yes.</p> <p>8 Q. And I'm sorry if I already asked this, but for what period of time did you go by Olive Rodriguez, was it more than five years ago?</p> <p>9 A. Yes.</p> <p>10 Q. More than ten years ago?</p> <p>11 A. Yes.</p> <p>12 Q. And now you're currently in the process of changing your name back to Ivey?</p> <p>13 A. Yes.</p> <p>14 Q. Thank you. Could you please identify any email addresses that you currently maintain?</p> <p>15 A. Yes.</p> <p>16 Q. And what are they?</p> <p>17 A. [REDACTED]@gmail.com. And I have</p>

<p>1 O. IVEY 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED]</p> <p>7 Q. Are you currently in school? 8 A. I am. 9 Q. And what school are you attending? 10 A. BMCC. 11 Q. What does BMCC stand for? 12 A. Borough of Manhattan Community 13 College. 14 Q. And what degree or program are you 15 attending at that school? 16 A. Business management. 17 Q. Ms. Ivey, if you would just let me 18 finish asking the question. 19 A. Mm-hmm. 20 Q. Thank you. Are you in school to 21 receive a degree for certification or 22 something else? 23 A. A degree. 24 ATTORNEY BRUSTEIN: Just wait a 25 second, because she may pause while</p>	<p>Page 10</p> <p>1 O. IVEY 2 she's talking. Just wait to make sure 3 the question is fully complete. 4 Q. When did you begin your program at 5 BMCC? 6 A. It's two years ago. 7 Q. That would be in 2012? 8 A. Summer – yes. Summer. 9 Q. And when do you contemplate 10 completing your degree? 11 A. This summer. 12 Q. This summer being summer of 2023? 13 A. Yes. 14 Q. Do you have any other email 15 addresses? 16 A. No. 17 Q. Have you had any other email 18 addresses in the past ten years? 19 A. Yes. 20 Q. And what were they? 21 A. [REDACTED]@Fourseasons.com. 22 Q. Any others? 23 A. There was a new email address that 24 was given to me at the Four Seasons downtown 25 property. I was there for a short period of</p>	<p>Page 11</p>
<p>1 O. IVEY 2 time, but I don't remember what that was. I 3 know it has Olive and Rodriguez in it. I was 4 just there for, like, probably a week or two. 5 So I don't remember. 6 Q. When were you at the downtown Four 7 Seasons location? 8 A. I don't remember what month it was, 9 to be honest. 10 Q. Do you recall what year? 11 A. I think it was last year. 12 Q. Last year being 2022? 13 A. Or – either 2022 or 2021. I'm not 14 quite sure. I would have to go and research 15 that. 16 Q. And were you working down at the 17 downtown Four Seasons Hotel or something else? 18 A. I was working there, yes. 19 Q. And what position did you have 20 while you were working there? 21 A. Housekeeping manager. 22 Q. Is it your testimony that you were 23 working as a housekeeping manager at the 24 downtown Four Seasons Hotel for a week? 25 A. Or it could have been a week or</p>	<p>Page 12</p> <p>1 O. IVEY 2 two. Something ... 3 Q. Who concluded that work? Was it 4 your decision or was it the downtown Four 5 Seasons? 6 A. I had an accident, I fell. 7 Q. Do you recall when that was? 8 A. I don't remember the date. I was 9 on my way to work and I fell and injured my 10 knee, and I was unable to walk. 11 Q. Did you receive any type of 12 workers' compensation or any other type of 13 payment – 14 A. No. 15 Q. – as a result of that injury? 16 A. No. 17 Q. Just let me finish. I know 18 sometimes I pause a little awkwardly, but just 19 make sure the question's completed? 20 A. Yes. 21 ATTORNEY BRUSTEIN: Just wait two 22 seconds instead of one. 23 Q. Have you worked since your injury? 24 A. No. 25 Q. Do you believe you're able to work</p>	<p>Page 13</p>

<p>1 O. IVEY</p> <p>2 now, following your injury?</p> <p>3 A. Yes.</p> <p>4 Q. Would you like to work?</p> <p>5 A. Yes.</p> <p>6 Q. What period of time did you use the</p> <p>7 email address olive.rodriguez@Fourseasons.com?</p> <p>8 A. For as long as I was a manager at</p> <p>9 Four Seasons.</p> <p>10 Q. And what period of time was that?</p> <p>11 A. It would have to be over ten years.</p> <p>12 Q. What period of time of ten years</p> <p>13 was that?</p> <p>14 A. Up until my last day in March, when</p> <p>15 I was furloughed.</p> <p>16 Q. And what year are you referring to?</p> <p>17 A. 2019 was the day when the pandemic</p> <p>18 struck.</p> <p>19 Q. It's your understanding --</p> <p>20 A. March.</p> <p>21 Q. -- that the pandemic struck in</p> <p>22 March of 2019?</p> <p>23 A. Yes. When we were sent home.</p> <p>24 Actually, we were able to use that email -- I</p> <p>25 was able to use that email after, because I</p>	Page 14	Page 15
<p>1 O. IVEY</p> <p>2 midtown property, and she transferred to</p> <p>3 downtown and she's there now. So she's the</p> <p>4 one that I spoke with there.</p> <p>5 Q. Do you recall her last name?</p> <p>6 A. Alberti.</p> <p>7 Q. Can you spell that for me, please?</p> <p>8 A. I don't know how to spell it. I</p> <p>9 wouldn't be able to spell it correctly, maybe.</p> <p>10 Q. Based on your conversation with</p> <p>11 Alexandra, was it your understanding that you</p> <p>12 should have had access to your Fourseasons.com</p> <p>13 email account?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 Q. You can answer the question.</p> <p>16 A. I should have had access to it,</p> <p>17 yes.</p> <p>18 Q. Was it your understanding that it</p> <p>19 might have been a technical glitch of some</p> <p>20 sort?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. No.</p> <p>23 Q. Why do you say that?</p> <p>24 A. Because I have always been able to</p> <p>25 access it if I went -- well, I went to the</p>	Page 16	Page 17
		<p>1 O. IVEY</p> <p>2 used it when I was sent on task force.</p> <p>3 Q. When was the last time you accessed</p> <p>4 your email account at Fourseasons.com?</p> <p>5 A. I don't remember.</p> <p>6 Q. Do you know whether or not you can</p> <p>7 still access that account?</p> <p>8 A. I did try accessing that account</p> <p>9 when I went downtown. They were not able to.</p> <p>10 Q. Who is "they"?</p> <p>11 A. The Four Seasons downtown. I had</p> <p>12 to be given a new email address.</p> <p>13 Q. Have you ever reached out to anyone</p> <p>14 else since your period of work down at the</p> <p>15 downtown Four Seasons Hotel to try to access</p> <p>16 this account?</p> <p>17 A. No. I was told when I went</p> <p>18 downtown that I was not in the system, and</p> <p>19 they needed to give me a new email address.</p> <p>20 And Alexandra said she had no idea why</p> <p>21 corporate IT was not able to give me access to</p> <p>22 that email.</p> <p>23 Q. Who is Alexandra?</p> <p>24 A. She is the former director of --</p> <p>25 assistant director of human resources at the</p>

<p>1 O. IVEY</p> <p>2 I did try, when they told me that I couldn't,</p> <p>3 I did try to get on there. But I wasn't able</p> <p>4 to.</p> <p>5 Q. I am referring to the new email</p> <p>6 account. Have you tried to access your new</p> <p>7 email account since departing from Four</p> <p>8 Seasons downtown?</p> <p>9 A. No.</p> <p>10 Q. Have you spoken to Elizabeth Ortiz</p> <p>11 about accessing either of those Four Seasons</p> <p>12 accounts?</p> <p>13 A. No.</p> <p>14 Q. Do you know who Elizabeth Ortiz is?</p> <p>15 A. Yes.</p> <p>16 Q. And can you identify her -- can you</p> <p>17 please identify her for me, please?</p> <p>18 A. She is the director of people &</p> <p>19 culture at the Four Seasons (clearing</p> <p>20 throat) -- excuse me -- midtown.</p> <p>21 Q. When was the last time you've</p> <p>22 spoken to Ms. Ortiz?</p> <p>23 A. I don't remember the date.</p> <p>24 Q. Do you remember the year?</p> <p>25 A. No.</p>	Page 18	Page 19
<p>1 O. IVEY</p> <p>2 Q. Do you recall when you were texting</p> <p>3 with Ms. Ortiz?</p> <p>4 A. I don't remember the date.</p> <p>5 Q. Do you recall how many times you've</p> <p>6 had text messages with Ms. Ortiz?</p> <p>7 A. No.</p> <p>8 Q. In connection with this lawsuit did</p> <p>9 you gather any of your text messages with</p> <p>10 Ms. Ortiz?</p> <p>11 A. I don't remember.</p> <p>12 Q. Who is Selena Staley?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. She's an employee at the Four</p> <p>15 Seasons -- that was working also at the Four</p> <p>16 Seasons.</p> <p>17 Q. When you say Four Seasons, what are</p> <p>18 you referring to?</p> <p>19 A. The Four Seasons Hotel in Midtown.</p> <p>20 Q. Did you speak to Ms. Staley about</p> <p>21 testifying today?</p> <p>22 A. No.</p> <p>23 Q. Is Ms. Staley also a named</p> <p>24 plaintiff in this lawsuit?</p> <p>25 A. She is.</p>	Page 20	Page 21
<p>1 O. IVEY</p> <p>2 Q. Was it recently?</p> <p>3 A. No.</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 Q. What was the purpose of that</p> <p>6 conversation?</p> <p>7 A. I needed to go to the Four Seasons</p> <p>8 to retrieve my clothing.</p> <p>9 Q. Have you spoken to her at any other</p> <p>10 time since March of 2019?</p> <p>11 A. I have been on --</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 Q. You can answer the question.</p> <p>14 A. I have been on Zoom calls.</p> <p>15 Q. Have you had any text messages with</p> <p>16 Ms. Ortiz?</p> <p>17 A. Yes.</p> <p>18 Q. Do you recall --</p> <p>19 ATTORNEY BRUSTEIN: Can we go off</p> <p>20 the record for one second? Can I just</p> <p>21 talk to you not in front of the witness</p> <p>22 for a second?</p> <p>23 ATTORNEY LUNDY: Sure.</p> <p>24 ATTORNEY BRUSTEIN: Okay.</p> <p>25 (Pause in the proceedings.)</p>		

<p>1 O. IVEY</p> <p>2 anyone else present?</p> <p>3 A. There was three of us present.</p> <p>4 Q. Who was the third person?</p> <p>5 A. Vivian Holmes.</p> <p>6 Q. Do you recall when that lunch was?</p> <p>7 A. I don't remember the date.</p> <p>8 Q. Was it a summer month? Was it warm</p> <p>9 out?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. It was warm out.</p> <p>12 Q. Do you recall where you had lunch?</p> <p>13 A. I don't remember the name of the</p> <p>14 restaurant, no.</p> <p>15 Q. Do you recall where it was located?</p> <p>16 A. It was in Manhattan.</p> <p>17 Q. And what did you three discuss?</p> <p>18 A. We basically, um, just wanted to</p> <p>19 get together because I think we were</p> <p>20 experiencing the same kind of anxiety and</p> <p>21 wanting to basically talk about if we thought</p> <p>22 they would reopen and we would be able to go</p> <p>23 back to work and, you know, what -- what would</p> <p>24 we do, what we need to do moving forward.</p> <p>25 Q. When you say "they" who are you</p>	Page 22	Page 23
<p>1 O. IVEY</p> <p>2 A. No.</p> <p>3 Q. Did you text with Ms. Holmes about</p> <p>4 her deposition?</p> <p>5 A. I texted her yesterday morning to</p> <p>6 wish her good luck.</p> <p>7 Q. Did she respond?</p> <p>8 A. Yes.</p> <p>9 Q. What did she say?</p> <p>10 A. She told me she was on her way.</p> <p>11 Q. Did you text her after her</p> <p>12 deposition?</p> <p>13 A. Yes.</p> <p>14 Q. And what was that correspondence?</p> <p>15 A. I asked her if she was okay.</p> <p>16 Q. And what did she say?</p> <p>17 A. She said she was having -- it was a</p> <p>18 long day and she was having a headache.</p> <p>19 Q. Anything else?</p> <p>20 A. She said she was -- she was shot.</p> <p>21 Basically, she meant that she was just out of</p> <p>22 it. And she wished me good luck today.</p> <p>23 Q. Anything else?</p> <p>24 A. She told me it was cold in here,</p> <p>25 and that I should take a jacket.</p>	Page 24	Page 25

<p>1 O. IVEY</p> <p>2 Q. What did you testify?</p> <p>3 A. I said she's not someone that I</p> <p>4 speak with on a regular basis.</p> <p>5 Q. Understood. Do you speak with</p> <p>6 Ms. Holmes on a regular basis?</p> <p>7 A. I wouldn't call it regular.</p> <p>8 Q. How would you call it?</p> <p>9 A. It depends on what kind of day</p> <p>10 we're having. Some days she's having a bad</p> <p>11 day, and I'm having a good day. So it usually</p> <p>12 is, if she's having a bad day where she's, you</p> <p>13 know, upset, she will call me and I will</p> <p>14 encourage her. And if I am having a bad day,</p> <p>15 I call her, and she will probably tell me the</p> <p>16 same thing that I tell her when she's having a</p> <p>17 bad day. So that's a standing joke between</p> <p>18 us, that we repeat the same thing in circles</p> <p>19 to support each other.</p> <p>20 Q. Since August of 2022 have you ever</p> <p>21 deleted any of your text messages with</p> <p>22 Ms. Holmes?</p> <p>23 A. I don't remember.</p> <p>24 Q. Have you ever gathered all of your</p> <p>25 text messages with Ms. Holmes to be produced</p>	Page 26	Page 27
<p>1 O. IVEY</p> <p>2 how they're doing, how they're coping.</p> <p>3 I've had team members text me</p> <p>4 because I was a leader there at the midtown</p> <p>5 Four Seasons, so they would text me to find</p> <p>6 out if I heard anything, if the hotel is</p> <p>7 opening, I would tell them I don't know</p> <p>8 anything.</p> <p>9 Q. When you used the word "team</p> <p>10 members," who are you referring to?</p> <p>11 A. Housemen.</p> <p>12 Q. Do you recall anyone's names?</p> <p>13 A. Yes. I remember Eli's mother</p> <p>14 passed away from COVID. I reached out to him.</p> <p>15 Q. Do you recall any other names of</p> <p>16 your team members that you were just referring</p> <p>17 to?</p> <p>18 A. Moin. He had called me to find out</p> <p>19 if I heard anything about the hotel reopening.</p> <p>20 I told him I didn't know anything.</p> <p>21 Q. Anyone else that you can think of?</p> <p>22 A. Yes. Marie Daniels, Gurrier. She</p> <p>23 had called me also to find out if I heard</p> <p>24 anything.</p> <p>25 Q. Anyone else?</p>	Page 28	Page 29

<p>1 O. IVEY</p> <p>2 ATTORNEY LUNDY: Sure.</p> <p>3 ATTORNEY BRUSTEIN: Thanks.</p> <p>4 ---</p> <p>5 (Recess from 10:24 to 10:31.)</p> <p>6 ---</p> <p>7 Q. Ms. Ivey, you wanted to clarify</p> <p>8 something?</p> <p>9 A. Yes. So in my response to speaking</p> <p>10 about when the hotel would reopen with Moin,</p> <p>11 we did not text. We spoke, I spoke with Eli</p> <p>12 on the phone. I spoke with Marie on the</p> <p>13 phone. I spoke with Odeth on the phone.</p> <p>14 Q. In connection with this lawsuit,</p> <p>15 did you review your email account,</p> <p>16 olivemivey@gmail.com for any documents that</p> <p>17 should be produced in connection with this</p> <p>18 lawsuit?</p> <p>19 A. Yes.</p> <p>20 Q. And did you provide any of those</p> <p>21 documents?</p> <p>22 A. Yes.</p> <p>23 Q. And did you review your account</p> <p>24 cutiepicknewyork2@yahoo.com for any</p> <p>25 information or documents that would be</p>	Page 30	Page 31
<p>1 O. IVEY</p> <p>2 A. Olivemivey26, I think. Or</p> <p>3 oliveivey26. I have the account but I don't</p> <p>4 use it very often.</p> <p>5 Q. Do you ever communicate through</p> <p>6 your social media accounts through their</p> <p>7 internal mail system?</p> <p>8 A. Could you please explain?</p> <p>9 Q. Sure. So for example, on LinkedIn</p> <p>10 there's a mechanism to message someone</p> <p>11 privately, is that right?</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 A. Yes.</p> <p>14 Q. Have you ever used that tool or</p> <p>15 resource on LinkedIn?</p> <p>16 A. Yes.</p> <p>17 Q. And did you search your LinkedIn</p> <p>18 account for any emails or private</p> <p>19 conversations in connection with this lawsuit?</p> <p>20 A. No.</p> <p>21 Q. And what about Facebook; Facebook</p> <p>22 also maintains an ability to have private</p> <p>23 conversations messages, is that right?</p> <p>24 A. Yes.</p> <p>25 Q. And do you ever use that resource</p>	Page 32	Page 33
<p>1 O. IVEY</p> <p>2 responsive in connection with the discovery in</p> <p>3 this matter?</p> <p>4 A. Yes.</p> <p>5 Q. And did you provide those documents</p> <p>6 for production?</p> <p>7 A. There were no documents there,</p> <p>8 because I don't use that email account</p> <p>9 anymore. I have not used it since probably I</p> <p>10 have been at the Four Seasons. I don't use</p> <p>11 it.</p> <p>12 Q. Thank you. Do you maintain any</p> <p>13 social media accounts?</p> <p>14 A. Yes.</p> <p>15 Q. What social media accounts do you</p> <p>16 maintain?</p> <p>17 A. I have Facebook, LinkedIn,</p> <p>18 Instagram.</p> <p>19 Q. And on Facebook what is your user</p> <p>20 name?</p> <p>21 A. Olive Ivey Rodriguez.</p> <p>22 Q. And on LinkedIn?</p> <p>23 A. Olive -- it might be Olive Ivey</p> <p>24 Rodriguez, or Olive Rodriguez.</p> <p>25 Q. And what about Instagram?</p>		

<p>1 O. IVEY</p> <p>2 A. You mean rehired?</p> <p>3 Q. My question stands. Would you want</p> <p>4 to be recalled?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. I don't think I could be recalled</p> <p>7 when I was terminated. I would have to be</p> <p>8 rehired.</p> <p>9 Q. When do you believe you were</p> <p>10 terminated from the hotel?</p> <p>11 A. I think it was in -- it was</p> <p>12 sometime last year, that I came to that</p> <p>13 realization.</p> <p>14 Q. What time last year did you believe</p> <p>15 you were terminated from the hotel?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. I don't remember which month. I</p> <p>18 received a phone call and someone from</p> <p>19 Principal, which is the company that manages</p> <p>20 the retirement benefit plan from Four Seasons,</p> <p>21 and they were asking me what I wanted to do</p> <p>22 with my 401(k) account.</p> <p>23 Q. When you say last -- sorry, I</p> <p>24 apologize.</p> <p>25 A. And I didn't understand what they</p>	Page 34	Page 35
<p>1 O. IVEY</p> <p>2 Q. Your concerns about your 401(k)?</p> <p>3 A. No, she just told me that they</p> <p>4 should not have told me that, and she would</p> <p>5 reach out to them and take care of it.</p> <p>6 So I understood that to mean that</p> <p>7 she would correct the information that they</p> <p>8 had.</p> <p>9 Q. This was by text message, is that</p> <p>10 right?</p> <p>11 A. No, I spoke to her.</p> <p>12 Q. But you also corresponded with</p> <p>13 Ms. Ortiz about this matter by text message,</p> <p>14 is that right?</p> <p>15 A. I did send her a message to say</p> <p>16 that I -- because if you call, you're not able</p> <p>17 to really get through. You have to send a</p> <p>18 message to say you want to speak with her.</p> <p>19 And then someone would either reach out --</p> <p>20 someone would reach out to you. Most times</p> <p>21 because I think when you call you usually</p> <p>22 don't get anyone on the phone, I'm not sure</p> <p>23 why, probably because she's the only person</p> <p>24 and it's a ...</p> <p>25 Q. Right. But my question was you did</p>	Page 36	Page 37

<p>1 O. IVEY</p> <p>2 Q. Ms. Ivey, I am going to show you a</p> <p>3 document that's been previously marked as</p> <p>4 exhibit 5.</p> <p>5 (Defendants' Exhibit 5, Complaint</p> <p>6 was previously marked for</p> <p>7 identification.)</p> <p>8 Q. Ms. Ivey, I've just handed you a</p> <p>9 document that was previously marked as exhibit</p> <p>10 5. It's dated August 9, 2022 and it's titled</p> <p>11 Complaint.</p> <p>12 Have you seen this document before?</p> <p>13 A. Yes.</p> <p>14 Q. And when did you see this document</p> <p>15 before?</p> <p>16 A. I don't remember the date but it</p> <p>17 was shown to me by my attorneys.</p> <p>18 Q. Is it fair to say that this is the</p> <p>19 initial complaint that was filed in the</p> <p>20 lawsuit that you brought against the</p> <p>21 defendants in this action?</p> <p>22 ATTORNEY BRUSTEIN: Objection.</p> <p>23 A. Initial as it was the first</p> <p>24 complaint? I think it's fair to say.</p> <p>25 Q. And you're one of the plaintiffs in</p>	Page 38	<p>1 O. IVEY</p> <p>2 this lawsuit, is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And you are bringing claims on your</p> <p>5 own behalf and on behalf of others similarly</p> <p>6 situated to you, is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And prior to this complaint being</p> <p>9 filed with the court did you review this</p> <p>10 document?</p> <p>11 A. Yes.</p> <p>12 Q. And did you confirm its accuracy?</p> <p>13 A. Yes.</p> <p>14 Q. And did you do anything in</p> <p>15 connection with gathering any facts or</p> <p>16 information with respect to the allegations</p> <p>17 set forth in this complaint?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. I was given a list of discoveries</p> <p>20 that I needed to present, and I did present</p> <p>21 those.</p> <p>22 Q. And as you sit here today it's your</p> <p>23 understanding that the allegations in the</p> <p>24 complaint are accurate to the best of your</p> <p>25 knowledge, is that right?</p>	Page 39
<p>1 O. IVEY</p> <p>2 A. Yes.</p> <p>3 Q. Okay. You can put that aside.</p> <p>4 Thank you.</p> <p>5 (Defendants' Exhibit 6, First</p> <p>6 Amended Complaint was previously marked</p> <p>7 for identification.)</p> <p>8 Q. Ms. Ivey I am going to show you a</p> <p>9 document that's been previously marked as</p> <p>10 exhibit 6.</p> <p>11 This document is dated on page 60</p> <p>12 as December 16, 2022, and it's titled First</p> <p>13 Amended Complaint. Have you seen this</p> <p>14 document before?</p> <p>15 A. Yes.</p> <p>16 Q. And can you identify it for me</p> <p>17 please?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. It is a document that my attorneys</p> <p>20 showed me.</p> <p>21 Q. Is it your understanding that this</p> <p>22 is the second complaint that was filed in the</p> <p>23 lawsuit amending the first?</p> <p>24 A. Yes.</p> <p>25 Q. And did you review this document</p>	Page 40	<p>1 O. IVEY</p> <p>2 before it was filed with the court?</p> <p>3 A. Yes.</p> <p>4 Q. And did you confirm its accuracy?</p> <p>5 A. Yes.</p> <p>6 Q. As you sit here today, do you</p> <p>7 believe the allegations in the amended</p> <p>8 complaint marked as exhibit 6 are complete and</p> <p>9 accurate?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. Yes.</p> <p>12 Q. Have you reviewed the amended</p> <p>13 complaint since it was filed in December of</p> <p>14 2022?</p> <p>15 A. Yes.</p> <p>16 Q. And it's your understanding that</p> <p>17 the amended complaint was filed by you</p> <p>18 individually but also on behalf of others</p> <p>19 similarly situated, is that right?</p> <p>20 ATTORNEY BRUSTEIN: Objection.</p> <p>21 A. Yes.</p> <p>22 Q. And there's also two other</p> <p>23 plaintiffs in this matter, Vivian Holmes and</p> <p>24 Selena Staley, is that right?</p> <p>25 A. Yes.</p>	Page 41

<p>1 O. IVEY</p> <p>2 Q. Do you know what a class action is?</p> <p>3 A. Yes.</p> <p>4 Q. Can you tell me what that is?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. My understanding of what a class</p> <p>7 action is, is a suit seeking damages on behalf</p> <p>8 of a group of people or similarly -- who are</p> <p>9 in a similar situation as myself.</p> <p>10 Q. Do you understand that you are a</p> <p>11 representative of others in this lawsuit?</p> <p>12 A. Yes.</p> <p>13 Q. What research did you do in</p> <p>14 connection with this lawsuit prior to filing</p> <p>15 it to ensure the accuracy of the information</p> <p>16 and allegations set forth in the complaint?</p> <p>17 ATTORNEY BRUSTEIN: Objection.</p> <p>18 A. Well, I know that we were sent home</p> <p>19 and we were not informed correctly, we were</p> <p>20 not informed that we wouldn't be going back to</p> <p>21 work. I also know that it would be a</p> <p>22 violation. And so I looked into what -- what</p> <p>23 I think would have been done incorrectly or</p> <p>24 what should have been done and what wasn't</p> <p>25 done. And then I spoke with my attorneys.</p>	Page 42	<p>1 O. IVEY</p> <p>2 Q. When you said you looked at, what</p> <p>3 did you look at?</p> <p>4 ATTORNEY BRUSTEIN: Objection. I</p> <p>5 don't believe that was the testimony.</p> <p>6 Q. I'm sorry. You looked into. What</p> <p>7 did you look into?</p> <p>8 A. What was -- what -- well, what --</p> <p>9 what should the Four Seasons have told us in</p> <p>10 regard to would we be coming back to work.</p> <p>11 Would we be terminated. What -- what should</p> <p>12 they have done if they terminated us. That</p> <p>13 kind of things. I realized later on that I</p> <p>14 was terminated but no one told me I was</p> <p>15 terminated. I wanted to know -- I wanted to</p> <p>16 know what -- if that was legal. If that is</p> <p>17 something that they should be doing.</p> <p>18 So I -- I went back and looked at</p> <p>19 the agreement I had with them.</p> <p>20 Q. Other than looking at the agreement</p> <p>21 you had with them, did you look at any other</p> <p>22 documents prior to commencing this lawsuit to</p> <p>23 confirm the accuracy of the allegations in the</p> <p>24 complaint?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	Page 43
<p>1 O. IVEY</p> <p>2 A. I don't remember looking at any</p> <p>3 other documents.</p> <p>4 Q. Do you know whether you have</p> <p>5 responsibilities as a class representative?</p> <p>6 A. Yes.</p> <p>7 Q. What are they?</p> <p>8 A. My responsibility as a class</p> <p>9 representative is to ensure that I speak with</p> <p>10 the attorneys that are representing the class</p> <p>11 action, and to ensure that any decisions that</p> <p>12 are made are within the interests of all of</p> <p>13 the people are represented under the action.</p> <p>14 Q. Anything else?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. I also think that my responsibility</p> <p>17 is to ensure that any outcome is one that is</p> <p>18 favorable under the law for all parties</p> <p>19 involved, and that it's not just about me,</p> <p>20 it's about an entire group of people.</p> <p>21 Q. How do you know what the other</p> <p>22 individuals' interests are? Have you spoken</p> <p>23 to them?</p> <p>24 A. I would think that that --</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	Page 44	<p>1 O. IVEY</p> <p>2 A. When I was on the phone call, the</p> <p>3 last phone call with the Four Seasons midtown</p> <p>4 people were on that call asking for the hotel</p> <p>5 to be opened, asking when would it be opened,</p> <p>6 explaining that it was obvious that they were</p> <p>7 experiencing anxiety, hardship --</p> <p>8 Q. Ms. Ivey, that's not my question.</p> <p>9 ATTORNEY BRUSTEIN: I would just</p> <p>10 ask that she be able to finish.</p> <p>11 Q. Sure.</p> <p>12 A. -- and I realized that we were all</p> <p>13 in the same boat. We were all wanting to go</p> <p>14 back to work. That is what we were doing for</p> <p>15 a very long period of time.</p> <p>16 Q. I understand that that's your --</p> <p>17 A. So --</p> <p>18 Q. Okay. Please, go ahead. Go ahead.</p> <p>19 A. So I know, or I truly believe that</p> <p>20 we were all in the same boat and experiencing</p> <p>21 many of the same things, many of the same</p> <p>22 hardships, and I think that that is</p> <p>23 qualification enough. We were all treated the</p> <p>24 same way.</p> <p>25 Q. I don't want to cut you off. Were</p>	Page 45

<p>1 O. IVEY 2 you finished with your answer? 3 A. Yes. 4 Q. Okay. My question was: Have you 5 spoken with any of the individuals you believe 6 that you have an obligation to protect their 7 interests? Have you spoken to anyone? 8 ATTORNEY BRUSTEIN: Objection. 9 Just to clarify, you keep asking two 10 questions at once. The last one said 11 how do you know and that second one. 12 And I think just for – 13 ATTORNEY BOLAND: They're two 14 questions. One was one. One was 15 another. 16 ATTORNEY BRUSTEIN: I'm just saying 17 simultaneously. It would be easier for 18 the record -- 19 ATTORNEY LUNDY: Could you read 20 back my question, please? 21 (Requested portion of the record 22 read back.) 23 A. I have spoken to employees who, 24 like Moin I mentioned before, who have called 25 to say when is the hotel opening? We want to</p>	Page 46	<p>1 O. IVEY 2 go back to work. 3 I have spoken to Marie, as I 4 mentioned before, who was asking when can we 5 go back to work? We need to go back to work. 6 Have you heard anything. 7 So as far as speaking to them about 8 filing a lawsuit, no, I haven't spoken to – I 9 haven't discussed that with them. 10 Q. You testified that you understand, 11 or rather, you believe you and the others are 12 in the same boat. What makes you believe that 13 you're in the same boat as other employees 14 from the hotel? 15 A. Because we were all working at the 16 same Four Seasons midtown. We were all 17 terminated without notice or sent home, and we 18 have been waiting for three years to return to 19 work, and no one told us. We don't have a 20 date. We don't have anything to go by. No 21 one tells -- we were told that there is work 22 on the way and that one, just one portion of 23 the work would take a year and a half, at 24 least a year and a half, and there are other 25 projects to be done. So at that point we know</p>	Page 47
<p>1 O. IVEY 2 that this is an open-ended situation. So yes, 3 we're all in the same boat. 4 Q. I asked you specifically how you 5 know that all of the individuals are in the 6 same boat as you? 7 ATTORNEY BRUSTEIN: Objection. 8 Q. How do you know that? 9 A. I know that because we are all out 10 of work. 11 Q. Do you know that every single 12 employee of the hotel is not working at this 13 moment? 14 A. No. 15 ATTORNEY BRUSTEIN: Objection. 16 Q. Are you aware that some employees 17 were transferred to other hotels of the Four 18 Seasons? 19 ATTORNEY BRUSTEIN: Objection. 20 A. I am aware that they were 21 transferred to other Four Seasons or some 22 people are also working, but they were still 23 treated the same way. 24 Q. Are you aware that other employees 25 found employment at other hotels or other</p>	Page 48	<p>1 O. IVEY 2 establishments altogether? 3 ATTORNEY BRUSTEIN: Objection. 4 A. I don't -- I am sure that they 5 have. I have known of a few that were placed 6 in other hotels. 7 Q. Are you aware that some employees 8 are seeking to be recalled back to work at the 9 hotel? 10 ATTORNEY BRUSTEIN: Objection. 11 A. I am sure they are. But the hotel 12 is still closed. 13 Q. Some employees of the hotel 14 currently work from that property to this day; 15 are you aware of that? 16 ATTORNEY BRUSTEIN: Objection. 17 A. I am aware of that. 18 Q. Did you do any research to find out 19 what your responsibilities are to assert 20 claims on behalf of others in this case? 21 ATTORNEY BRUSTEIN: Objection. 22 A. Could you please repeat that 23 question. 24 ATTORNEY LUNDY: Could you please 25 read it back?</p>	Page 49

<p>1 O. IVEY</p> <p>2 (Requested portion of the record</p> <p>3 read back.)</p> <p>4 A. I did not do any research. I spoke</p> <p>5 with my attorneys to find out what action can</p> <p>6 be taken on behalf of myself and my</p> <p>7 co-workers.</p> <p>8 Q. Did you do any research to</p> <p>9 determine what authority you have to settle</p> <p>10 this case on behalf of others?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. I did not do any research but I</p> <p>13 think I know I have the authority to do so.</p> <p>14 Q. Do you know how many claims are</p> <p>15 alleged in the first amended complaint?</p> <p>16 A. No.</p> <p>17 Q. Why don't we look. Can you turn</p> <p>18 back to exhibit 6, please?</p> <p>19 ATTORNEY BRUSTEIN: Objection. Oh,</p> <p>20 you said amended complaint?</p> <p>21 ATTORNEY LUNDY: Yes.</p> <p>22 ATTORNEY BRUSTEIN: Withdrawn.</p> <p>23 Sorry.</p> <p>24 A. Page what?</p> <p>25 Q. On page 46, please. It states: As</p>	Page 50	Page 51
<p>1 O. IVEY</p> <p>2 A. Yes.</p> <p>3 Q. Do you know that some of those</p> <p>4 causes of action have been withdrawn in this</p> <p>5 lawsuit?</p> <p>6 A. I am sure --</p> <p>7 ATTORNEY BRUSTEIN: Objection.</p> <p>8 A. -- that whatever was done was done</p> <p>9 with my well-being in mind, by my attorneys.</p> <p>10 So yes.</p> <p>11 Q. My question was were you aware that</p> <p>12 some of the causes of action have been</p> <p>13 withdrawn from this amended complaint?</p> <p>14 A. Yes.</p> <p>15 Q. When did you become aware of that?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. When it was presented to me.</p> <p>18 Q. Was it before or after the claims</p> <p>19 were withdrawn?</p> <p>20 ATTORNEY BRUSTEIN: Objection.</p> <p>21 A. Well, whenever my attorneys are</p> <p>22 going to make a decision on anything they</p> <p>23 would speak with us. They would call me on</p> <p>24 the phone and they would tell us what exactly</p> <p>25 they are going to do, as far as what they're</p>	Page 52	Page 53

<p>1 O. IVEY</p> <p>2 Q. Sure. Do you think it was in</p> <p>3 everyone's best interest -- you represented</p> <p>4 that as a class representative it's your job</p> <p>5 to ensure their interests.</p> <p>6 A. Yes.</p> <p>7 Q. Do you think it was in their</p> <p>8 interest to withdraw some of those claims?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. Yes.</p> <p>11 Q. But you don't know what those</p> <p>12 claims are?</p> <p>13 ATTORNEY BRUSTEIN: Objection;</p> <p>14 mischaracterization.</p> <p>15 A. Well, I read the documents that</p> <p>16 were presented to me. I don't memorize them.</p> <p>17 So if I am going to be looking at something</p> <p>18 and making a decision or being asked to make a</p> <p>19 decision on something or advised by my</p> <p>20 attorneys to make a decision on something,</p> <p>21 because it's there, I'm not going to memorize</p> <p>22 it. I can't memorize -- this is a very big</p> <p>23 document. I cannot memorize everything.</p> <p>24 Q. Ms. Ivey, that wasn't my question.</p> <p>25 I asked you if you can identify what causes of</p>	Page 54	Page 55
<p>1 O. IVEY</p> <p>2 Evan Brustein and Maya Risman, and I went</p> <p>3 online and looked them up.</p> <p>4 Q. Who gave you their name, if anyone?</p> <p>5 A. Vivian gave me their names.</p> <p>6 Q. How did Vivian give you their</p> <p>7 names?</p> <p>8 A. She told me on the phone.</p> <p>9 Q. Do you know where she found their</p> <p>10 names?</p> <p>11 A. No.</p> <p>12 Q. Did she tell you?</p> <p>13 A. No.</p> <p>14 Q. Prior to engaging your attorneys in</p> <p>15 this matter what research, if any, did you</p> <p>16 determine qualified them to represent you and</p> <p>17 other individuals similarly situated to you in</p> <p>18 this matter?</p> <p>19 A. Well, I looked them up online, I</p> <p>20 looked at their -- I saw that they were</p> <p>21 attorneys experienced in the matter, and was</p> <p>22 able to answer questions -- I thought they</p> <p>23 would be able to answer my questions and --</p> <p>24 ATTORNEY BRUSTEIN: I'm going to</p> <p>25 object and direct her not to -- to limit</p>	Page 56	Page 57

<p>1 O. IVEY</p> <p>2 Q. Did you do any independent research</p> <p>3 or investigation other than relying on what</p> <p>4 Ms. Holmes presented to you?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. Yes, I went online and Googled</p> <p>7 them.</p> <p>8 Q. Other than the attorneys' names</p> <p>9 that Ms. Holmes provided to you, did you do</p> <p>10 your own independent research or investigation</p> <p>11 to identify any other potential attorneys to</p> <p>12 represent you and others similarly situated in</p> <p>13 this case?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. I might have Googled labor lawyers.</p> <p>16 Q. Did you identify anyone?</p> <p>17 A. I don't remember who I might have</p> <p>18 came up on. But I was -- I zeroed in on -- on</p> <p>19 Evan and Maya from early on.</p> <p>20 Q. How were you introduced to</p> <p>21 Mr. Bromberg?</p> <p>22 A. Mr. Bromberg. I don't ... I was</p> <p>23 introduced to him I think on Zoom.</p> <p>24 Q. Do you recall who introduced you?</p> <p>25 A. It was Evan and Maya.</p>	Page 58	Page 59
<p>1 O. IVEY</p> <p>2 I don't have a fee that they're charging me --</p> <p>3 ATTORNEY BRUSTEIN: Objection. I</p> <p>4 am going to just direct the witness not</p> <p>5 to discuss what fee agreement there is,</p> <p>6 just whether or not one exists.</p> <p>7 Q. Are you going to accept your</p> <p>8 attorney's direction not to respond to the</p> <p>9 question?</p> <p>10 ATTORNEY BRUSTEIN: Objection. And</p> <p>11 we went through this yesterday.</p> <p>12 ATTORNEY LUNDY: That's fine. We</p> <p>13 can make that record as we did</p> <p>14 yesterday.</p> <p>15 ATTORNEY BRUSTEIN: I would ask</p> <p>16 that you not question my witnesses if</p> <p>17 they're going to take attorney's advice.</p> <p>18 I don't think it's an appropriate</p> <p>19 objection.</p> <p>20 There's no reason for you to react.</p> <p>21 ATTORNEY LUNDY: So just so we can</p> <p>22 create the record.</p> <p>23 Q. Ms. Ivey, when your attorney is</p> <p>24 directing you not to respond to a question you</p> <p>25 are going to take his recommendation, is that</p>	Page 60	Page 61

<p>1 O. IVEY</p> <p>2 incur the financial obligations to pay the</p> <p>3 defendants' attorneys' fees if that came to</p> <p>4 pass in this lawsuit?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. No.</p> <p>7 Q. All right. We're going to go</p> <p>8 through lots of documents but we'll do it</p> <p>9 quickly, all right? You can put exhibit 6 to</p> <p>10 the side for the time being. Thank you.</p> <p>11 (Defendants' Exhibit 7, Notice of</p> <p>12 Motion to Compel Arbitration and Dismiss</p> <p>13 Class Claims and Stay Action, Memorandum</p> <p>14 of Law in Support was previously marked</p> <p>15 for identification.)</p> <p>16 Q. Ms. Ivey, I am going to show you a</p> <p>17 document that's been marked exhibit 7.</p> <p>18 ATTORNEY BRUSTEIN: Does Paul have</p> <p>19 these copies --</p> <p>20 ATTORNEY LUNDY: No.</p> <p>21 ATTORNEY BRUSTEIN: -- or is he</p> <p>22 just hanging out?</p> <p>23 ATTORNEY LUNDY: He doesn't have</p> <p>24 the copies.</p> <p>25 ATTORNEY BOLAND: You've got all of</p>	Page 62	<p>1 O. IVEY</p> <p>2 them there if you want to look at them</p> <p>3 again.</p> <p>4 ATTORNEY BRUSTEIN: So if you can</p> <p>5 just give me a minute.</p> <p>6 ATTORNEY LUNDY: 7 through 19.</p> <p>7 Sure.</p> <p>8 Q. Ms. Ivey, you have in front of you</p> <p>9 a document that was marked yesterday as</p> <p>10 exhibit 7 titled Notice of Motion to Compel</p> <p>11 Arbitration, Dismiss Class Claims and Stay</p> <p>12 Action.</p> <p>13 Have you seen this document before?</p> <p>14 A. Yes.</p> <p>15 Q. Are you aware that a motion was</p> <p>16 filed by the defendants to have this case</p> <p>17 taken out of litigation and compelled to</p> <p>18 arbitration?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have a file or any of the</p> <p>21 documents from this lawsuit at home?</p> <p>22 ATTORNEY BRUSTEIN: Objection.</p> <p>23 A. I have them on my computer.</p> <p>24 Q. Thank you.</p> <p>25 (Defendants' Exhibit 8, Declaration</p>	Page 63
<p>1 O. IVEY</p> <p>2 of Cathy Hwang was previously marked for</p> <p>3 identification.)</p> <p>4 Q. Let's turn to exhibit 8, please.</p> <p>5 The document in front of you was</p> <p>6 marked --</p> <p>7 ATTORNEY BRUSTEIN: You're not</p> <p>8 going back to 7, right?</p> <p>9 ATTORNEY LUNDY: No. We'll try to</p> <p>10 breeze through these quickly.</p> <p>11 Q. The document marked exhibit 8 is</p> <p>12 titled Declaration of Cathy Hwang and it's</p> <p>13 dated November 15, 2022.</p> <p>14 Have you seen this document before?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what matter it's in</p> <p>18 reference to?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. It's in reference to the lawsuit</p> <p>21 that we're bringing.</p> <p>22 Q. When did you see this document?</p> <p>23 ATTORNEY BRUSTEIN: Objection.</p> <p>24 A. I don't remember what date.</p> <p>25 Q. Do you maintain a copy of this</p>	Page 64	<p>1 O. IVEY</p> <p>2 document in your files? Electronically or</p> <p>3 otherwise?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. Electronically, yes.</p> <p>6 Q. Did you ever review this document?</p> <p>7 ATTORNEY BRUSTEIN: Objection.</p> <p>8 A. Yes.</p> <p>9 (Defendants' Exhibit 9, Memorandum</p> <p>10 of Law in Opposition to Defendants'</p> <p>11 Motion to Compel Arbitration, Dismiss</p> <p>12 Class Claims and Stay Action was</p> <p>13 previously marked for identification.)</p> <p>14 Q. I am going to show you a document</p> <p>15 marked exhibit 9. This document is dated</p> <p>16 December 6, 2022 titled Memorandum of Law in</p> <p>17 Opposition to Defendants' Motion to Compel</p> <p>18 Arbitration, Dismiss Class Claims and Stay</p> <p>19 Action.</p> <p>20 Have you seen this document before?</p> <p>21 A. Yes.</p> <p>22 Q. When did you see this document</p> <p>23 before?</p> <p>24 A. I don't remember the dates.</p> <p>25 Q. Do you know whether or not you saw</p>	Page 65

<p>1 O. IVEY</p> <p>2 this document before December 6, 2022?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. I don't remember the dates.</p> <p>5 Q. Did you ever review documents</p> <p>6 before they're filed in this lawsuit on your</p> <p>7 behalf?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall specifically</p> <p>10 reviewing this document before it was filed?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. I don't remember.</p> <p>13 (Defendants' Exhibit 10,</p> <p>14 Declaration of Evan Brustein was</p> <p>15 previously marked for identification.)</p> <p>16 Q. I am going to show you a document</p> <p>17 marked exhibit 10. Ms. Ivey, I have given you</p> <p>18 a document marked exhibit 10. It's titled</p> <p>19 Declaration of Evan Brustein, and it's dated</p> <p>20 December 5, 2022.</p> <p>21 Have you seen this document before?</p> <p>22 A. Yes.</p> <p>23 Q. Are you aware that the defendants,</p> <p>24 the Warner defendants in this case have filed</p> <p>25 a motion to dismiss the amended complaint in</p>	Page 66	Page 67
<p>1 O. IVEY</p> <p>2 agreement annexed to the declaration of Evan</p> <p>3 Brustein dated December 5, 2022 and that it is</p> <p>4 true and accurate copy of the EmPact agreement</p> <p>5 last revised February 2018 and I have</p> <p>6 acknowledged receiving in 2018.</p> <p>7 ATTORNEY BRUSTEIN: Objection.</p> <p>8 Q. Is the EmPact agreement referenced</p> <p>9 in paragraph 3 the EmPact agreement attached</p> <p>10 to this exhibit 10?</p> <p>11 A. It would appear so, yes.</p> <p>12 Q. In connection with this lawsuit is</p> <p>13 this the EmPact agreement that you have</p> <p>14 brought claims under?</p> <p>15 A. Yes.</p> <p>16 Q. Your declaration also confirms that</p> <p>17 you signed the EmPact agreement, is that</p> <p>18 right?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. Yes.</p> <p>21 Q. And you believe it's a valid</p> <p>22 contract, is that right?</p> <p>23 A. Yes.</p> <p>24 Q. And you believe that you and all</p> <p>25 others similarly situated fully complied with</p>	Page 68	Page 69

<p>1 O. IVEY</p> <p>2 complaint say that you fully complied with the</p> <p>3 EmPact agreement, is that right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. But you don't know for sure</p> <p>6 if others fully complied with the EmPact</p> <p>7 agreement, right?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. I don't know.</p> <p>10 Q. Let's put this aside. We'll be</p> <p>11 referring back to it later today.</p> <p>12 (Defendants' Exhibit 11, Reply</p> <p>13 Memorandum of Law in Further Support of</p> <p>14 the Warner Defendants' Motion to Compel</p> <p>15 was previously marked for</p> <p>16 identification.)</p> <p>17 Q. Ms. Ivey I'm showing you a document</p> <p>18 marked yesterday as exhibit 11. It's dated</p> <p>19 December 13, 2022 and it's titled Reply</p> <p>20 Memorandum of Law in Further Support of the</p> <p>21 Warner Defendants' Motion to Compel</p> <p>22 Arbitration.</p> <p>23 Have you seen this document before?</p> <p>24 A. Yes.</p> <p>25 Q. And have you reviewed it before?</p>	Page 70	Page 71
<p>1 O. IVEY</p> <p>2 Dismiss the Complaint.</p> <p>3 Have you seen this before?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. Yes.</p> <p>6 Q. And do you know what it's in</p> <p>7 reference to?</p> <p>8 A. I think it's in reference to a</p> <p>9 motion to dismiss the case.</p> <p>10 Q. You previously testified that you</p> <p>11 are aware that there were motions to dismiss</p> <p>12 the complaint in this action, right?</p> <p>13 A. Yes.</p> <p>14 Q. Are you aware that there were two</p> <p>15 motions to dismiss the complaint in this</p> <p>16 action?</p> <p>17 ATTORNEY BRUSTEIN: Objection.</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall when they were filed?</p> <p>20 A. I don't remember dates.</p> <p>21 Q. Do you know whether any are</p> <p>22 currently pending?</p> <p>23 A. I don't – I don't know. I don't</p> <p>24 remember.</p> <p>25 (Defendants' Exhibit 13,</p>	Page 72	Page 73

<p>1 O. IVEY 2 this document before. 3 Q. Do you believe as a class 4 representative it's your responsibility to 5 review all documents that have been filed in 6 this lawsuit? 7 ATTORNEY BRUSTEIN: Objection. 8 A. Yes. 9 Q. But you just testified that you 10 don't recall whether or not you've seen that 11 document before, is that right? 12 A. Right. Because it's a lot of 13 documents and it's -- its a lot of documents. 14 I don't remember -- I read documents that are 15 presented to me and sometimes I don't 16 remember -- it's a lot. And I'm not -- I'm 17 not a legal mind. 18 (Defendants' Exhibit 15, 19 Declaration of Elizabeth Ortiz with 20 exhibits was previously marked for 21 identification.) 22 Q. I am going to show you a document 23 marked exhibit 15. This is dated December -- 24 sorry -- January 19, 2023. It's titled 25 Declaration of Elizabeth Ortiz.</p>	Page 74	Page 75
<p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection. 3 A. I don't remember -- I would have to 4 look. I don't remember if I have seen it 5 before. I don't remember, so I wouldn't know 6 that. 7 ATTORNEY BRUSTEIN: I am going to 8 need just a minute. 9 ATTORNEY LUNDY: Sure. 10 ATTORNEY BRUSTEIN: I don't mean to 11 go off the record. I mean to find 17. 12 ATTORNEY LUNDY: Oh, sure. 13 ATTORNEY BRUSTEIN: We had a good 14 run, but ... 15 ATTORNEY LUNDY: Yes. You can take 16 my copy. It's okay (handing.) 17 ATTORNEY BRUSTEIN: Thank you. 18 (Defendants' Exhibit 17, 19 Declaration of Evan Brustein with 20 exhibits was previously marked for 21 identification.) 22 Q. Ms. Ivey, I am going to show you a 23 document that has been marked exhibit 17. 24 Have you seen this document before? 25 (The witness reviews document.)</p>	Page 76	Page 77

<p>1 O. IVEY</p> <p>2 Have you seen this before?</p> <p>3 A. I don't remember.</p> <p>4 ATTORNEY BROMBERG: Did we skip 18?</p> <p>5 ATTORNEY LUNDY: We did.</p> <p>6 ATTORNEY BROMBERG: Just making</p> <p>7 sure.</p> <p>8 ATTORNEY BRUSTEIN: Are you done</p> <p>9 with that segment?</p> <p>10 ATTORNEY LUNDY: Yes. Do you want</p> <p>11 to take a break?</p> <p>12 ATTORNEY BRUSTEIN: I think a</p> <p>13 five-minute break?</p> <p>14 ATTORNEY LUNDY: Sure. That works.</p> <p>15 ATTORNEY BRUSTEIN: Thank you.</p> <p>16 --</p> <p>17 (Recess from 11:21 to 11:31.)</p> <p>18 --</p> <p>19 ATTORNEY LUNDY: Back on the</p> <p>20 record.</p> <p>21 Q. Ms. Ivey, as a plaintiff in this</p> <p>22 matter, do you understand that you have an</p> <p>23 obligation in this lawsuit to cooperate in the</p> <p>24 production of documents and information?</p> <p>25 A. Yes.</p>	Page 78	Page 79
<p>1 O. IVEY</p> <p>2 A. That's basically it.</p> <p>3 Q. Do you maintain any hard copy files</p> <p>4 pertaining to your employment at the hotel?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. No.</p> <p>7 Q. Do you maintain any electronic</p> <p>8 files pertaining to your employment at the</p> <p>9 hotel?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. I have my emails.</p> <p>12 Q. Anything else?</p> <p>13 A. No.</p> <p>14 Q. Ms. Ivey, I am going to show you a</p> <p>15 document that was previously marked yesterday</p> <p>16 as exhibit 20.</p> <p>17 (Defendants' Exhibit 20,</p> <p>18 Plaintiffs' Rule 26 (A)(1)(A) Initial</p> <p>19 Disclosures was previously marked for</p> <p>20 identification.)</p> <p>21 Q. Ms. Ivey, I have shown you a</p> <p>22 document that's been previously marked as</p> <p>23 exhibit 20. Have you seen this document</p> <p>24 before?</p> <p>25 A. In this entirety, no.</p>	Page 80	Page 81

<p>1 O. IVEY</p> <p>2 production of plaintiffs in this matter?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. I am assuming it is.</p> <p>5 Q. Ms. Ivey, if you turn back to the</p> <p>6 first document, which is titled Plaintiffs'</p> <p>7 Rule 26 (A)(1)(A) Initial Disclosures, and if</p> <p>8 you turn to, it's under section B. And you</p> <p>9 will see the identifiers that we were just</p> <p>10 referencing, Staley v FSR 0001. Do you see</p> <p>11 that?</p> <p>12 A. Yes.</p> <p>13 Q. In section B?</p> <p>14 A. Yes.</p> <p>15 Q. Can you review B for a moment and</p> <p>16 let me know when you're done.</p> <p>17 A. Okay.</p> <p>18 (The witness reviews document.)</p> <p>19 A. Okay.</p> <p>20 Q. You previously testified that you</p> <p>21 had gathered responsive documents and</p> <p>22 information in connection with this lawsuit.</p> <p>23 Are any of those documents that you were</p> <p>24 referring to identified in this section B of</p> <p>25 this document?</p>	Page 82	Page 83
<p>1 O. IVEY</p> <p>2 Disclosures was previously marked for</p> <p>3 identification.)</p> <p>4 Q. Ms. Ivey, I am going to show you a</p> <p>5 document that was marked yesterday as exhibit</p> <p>6 21. Have you seen this before?</p> <p>7 A. I don't remember seeing this</p> <p>8 document, no.</p> <p>9 Q. I'm sorry, I didn't hear you,</p> <p>10 Ms. Ivey?</p> <p>11 A. I don't remember seeing this</p> <p>12 document, no.</p> <p>13 Q. Okay. This document references at</p> <p>14 number 1, "audio recording on the June 25,</p> <p>15 2021 Zoom meeting," and then it references</p> <p>16 that same Staley v FSR with a new number,</p> <p>17 0262.</p> <p>18 A. Mm-hmm.</p> <p>19 Q. Do you know what that's referring</p> <p>20 to?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. It's referring to the meeting on</p> <p>23 June 25, 2021.</p> <p>24 Q. Have you heard any recording from a</p> <p>25 meeting that occurred on June 25, 2021?</p>	Page 84	Page 85

<p>1 O. IVEY</p> <p>2 the extent that that involves</p> <p>3 attorney-client communication, I would</p> <p>4 direct her not to answer. If it came</p> <p>5 from some source other than</p> <p>6 attorney-client communication she can</p> <p>7 answer.</p> <p>8 Q. Can you answer the question?</p> <p>9 A. No.</p> <p>10 Q. Okay. But you don't know who</p> <p>11 recorded the June 25, 2021 –</p> <p>12 A. No.</p> <p>13 Q. -- Teams meeting?</p> <p>14 A. No.</p> <p>15 Q. How many times have you listened to</p> <p>16 the recording?</p> <p>17 A. I listened to it once.</p> <p>18 Q. At the time that the June 25, 2021</p> <p>19 Teams meeting was occurring did you know it</p> <p>20 was being recorded?</p> <p>21 A. No.</p> <p>22 ATTORNEY BRUSTEIN: Objection.</p> <p>23 Q. Did anyone on the Teams meeting</p> <p>24 advise you that it was being recorded?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	Page 86	<p>1 O. IVEY</p> <p>2 A. No.</p> <p>3 Q. Where were you located when the</p> <p>4 Teams meeting on June 25, 2021 was occurring,</p> <p>5 physically?</p> <p>6 A. In my house.</p> <p>7 Q. And where is your house?</p> <p>8 A. In Brooklyn.</p> <p>9 Q. You previously testified that there</p> <p>10 were a lot of other employees on the Teams</p> <p>11 meeting call. Do you know where they were</p> <p>12 located?</p> <p>13 A. No.</p> <p>14 Q. Is it possible that they were out</p> <p>15 of state?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know whether everyone on</p> <p>19 that call was located in New York State?</p> <p>20 ATTORNEY BRUSTEIN: Objection.</p> <p>21 A. I don't know where they were.</p> <p>22 Q. And during that Teams meeting call</p> <p>23 did you ask any questions?</p> <p>24 A. No.</p> <p>25 Q. Did you submit any questions by any</p>	Page 87
<p>1 O. IVEY</p> <p>2 written format during that Teams meeting?</p> <p>3 A. I had questions but they would be</p> <p>4 repetitive for me to ask, because they were</p> <p>5 being asked.</p> <p>6 Q. My question was did you submit any</p> <p>7 written questions?</p> <p>8 A. No. I don't remember submitting</p> <p>9 any.</p> <p>10 Q. Ms. Ivey, I am going to refer you</p> <p>11 to another document. This one is marked</p> <p>12 exhibit 24.</p> <p>13 (Defendants' Exhibit 24,</p> <p>14 Defendants' First Demand For Production</p> <p>15 of Documents was previously marked for</p> <p>16 identification.)</p> <p>17 Q. Have you seen this document before?</p> <p>18 A. Yes.</p> <p>19 Q. Can you identify it for me, please?</p> <p>20 A. It's –</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. – it was basically the document</p> <p>23 asking us to produce documents.</p> <p>24 Q. Do you recall when you saw this</p> <p>25 document?</p>	Page 88	<p>1 O. IVEY</p> <p>2 A. I don't remember now.</p> <p>3 Q. You previously testified that you</p> <p>4 gathered certain documents in connection with</p> <p>5 this lawsuit, right?</p> <p>6 A. Yes.</p> <p>7 Q. And is this the document that you</p> <p>8 reviewed to determine what records should be</p> <p>9 produced in this matter?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. I don't remember if this was the</p> <p>12 document that I used, but I do know that a</p> <p>13 list was provided.</p> <p>14 Q. That's fine. Do you know whether</p> <p>15 or not the Warner defendants ever served</p> <p>16 additional requests for documents?</p> <p>17 ATTORNEY BRUSTEIN: Objection.</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall when that was?</p> <p>20 A. I don't remember.</p> <p>21 Q. Do you know whether or not the</p> <p>22 Warner defendants ever served any additional</p> <p>23 requests for documents or information?</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. Any additional from the first time?</p>	Page 89

<p>1 O. IVEY</p> <p>2 Q. Yes.</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. I believe that we had two</p> <p>5 requests -- or we had more than one request.</p> <p>6 There was an initial request and then there</p> <p>7 was an additional request that they needed</p> <p>8 additional information.</p> <p>9 Q. When you say "they" are you</p> <p>10 referring to the defendants?</p> <p>11 A. Yes.</p> <p>12 (Defendants' Exhibit 25,</p> <p>13 Plaintiffs' Responses and Objections to</p> <p>14 Defendants' First Request For Production</p> <p>15 of Documents was previously marked for</p> <p>16 identification.)</p> <p>17 Q. Ms. Ivey, I am showing you a</p> <p>18 document marked exhibit 25. Have you seen</p> <p>19 this document before?</p> <p>20 ATTORNEY BRUSTEIN: Objection.</p> <p>21 A. I don't remember seeing it. I</p> <p>22 don't remember.</p> <p>23 Q. Do you recall reviewing this</p> <p>24 document before?</p> <p>25 A. I don't remember.</p>	Page 90	Page 91
<p>1 O. IVEY</p> <p>2 right?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. Could you rephrase? It has to do</p> <p>5 with -- we text about friends, family.</p> <p>6 Q. But you --</p> <p>7 A. We also text about if we would be,</p> <p>8 you know, when we would be going back to work.</p> <p>9 Q. And have those text messages been</p> <p>10 produced in this matter?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. I don't recall.</p> <p>13 Q. Thank you.</p> <p>14 (Defendants' Exhibit 26,</p> <p>15 Defendants' First Set of Interrogatories</p> <p>16 was previously marked for</p> <p>17 identification.)</p> <p>18 Q. Ms. Ivey, I am going to show you a</p> <p>19 document marked exhibit 26. Have you seen</p> <p>20 this before?</p> <p>21 (The witness reviews document.)</p> <p>22 ATTORNEY BRUSTEIN: Objection.</p> <p>23 A. I think I have, yes.</p> <p>24 Q. Do you recall when you saw it?</p> <p>25 A. I don't remember the date, no.</p>	Page 92	Page 93

<p>1 O. IVEY</p> <p>2 you identify those individuals in response to</p> <p>3 interrogatory No. 1?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. I did not communicate with them as</p> <p>6 far as titles. They were asking if we knew</p> <p>7 when the hotel would reopen, if we would be</p> <p>8 going back to work. That kind of thing. To</p> <p>9 which I did not have an answer for them.</p> <p>10 Q. Do you believe this lawsuit</p> <p>11 pertains to whether or not the hotel is going</p> <p>12 to reopen?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. No. This lawsuit pertains to the</p> <p>15 fact that we were terminated without proper</p> <p>16 warning or any form of compensation.</p> <p>17 Q. As you sit here today, do you</p> <p>18 believe that all of the employees from the</p> <p>19 hotel believe that they have been terminated</p> <p>20 from their employment from the hotel?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. I don't know what they believe.</p> <p>23 Q. Do you believe that some of those</p> <p>24 employees expect to be recalled if the hotel</p> <p>25 reopens?</p>	Page 94	Page 95
<p>1 O. IVEY</p> <p>2 document marked exhibit 27. Have you seen</p> <p>3 this before?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 (The witness reviews document.)</p> <p>6 A. Yes, I think I've seen this before.</p> <p>7 Q. It's titled Plaintiffs' Responses</p> <p>8 and Objections to Warner Defendants' First Set</p> <p>9 of Interrogatories, is it not?</p> <p>10 A. That's what it says, yes.</p> <p>11 Q. If you could please --</p> <p>12 ATTORNEY LUNDY: We're going to</p> <p>13 have our first exhibit today. You can</p> <p>14 keep that to the side, if you don't</p> <p>15 mind.</p> <p>16 ATTORNEY BRUSTEIN: Off the record?</p> <p>17 (Discussion off the record.)</p> <p>18 (Defendants' Exhibit 59,</p> <p>19 verification was marked for</p> <p>20 identification).</p> <p>21 Q. Ms. Ivey, I am going to show you a</p> <p>22 document that's been marked exhibit 59.</p> <p>23 ATTORNEY BRUSTEIN: Just one page.</p> <p>24 ATTORNEY LUNDY: Yes, just one</p> <p>25 page.</p>	Page 96	Page 97

<p>1 O. IVEY 2 documents, please. 3 ATTORNEY BRUSTEIN: I'm sorry. The 4 first two pages don't have any Bates 5 numbers? 6 ATTORNEY LUNDY: Unfortunately at 7 times when we print out the production 8 it doesn't always have your Bates 9 numbers on them. 10 ATTORNEY BRUSTEIN: Okay. So you 11 are representing that these were Bates 12 numbered documents? 13 ATTORNEY LUNDY: Correct. 14 ATTORNEY BRUSTEIN: Okay. I just 15 wanted to make sure that there wasn't -- 16 ATTORNEY BOLAND: It's a pain in 17 the ass to print them for some reason. 18 I don't know why. 19 ATTORNEY BROMBERG: Just for the 20 record, what's the first Bates number on 21 this? 22 ATTORNEY LUNDY: 90. 23 ATTORNEY BROMBERG: And the last 24 number is? It's cut off. 25 ATTORNEY LUNDY: Let's just focus</p>	Page 98	<p>1 O. IVEY 2 on documents that appear to be from 3 Staley v FSR 0090 through Staley v FSR 4 103. 5 Q. Have you reviewed those documents, 6 Ms. Ivey? 7 A. Yes. 8 Q. Okay. Have you seen these 9 documents before? 10 A. Yes. The ones that I am looking 11 at, yes. 12 Q. And on the first page it says OM 13 Rodriguez? 14 A. Mm-hmm. 15 Q. And it lists an address at 65 East 16 81st Street, Brooklyn, New York 11236. Is 17 that your address? 18 A. Yes. 19 Q. And is the reference to OM 20 Rodriguez, to the best of your knowledge, 21 referring to you? 22 A. It is, yes. 23 Q. As you sit here today, is it your 24 understanding that documents marked at exhibit 25 60 are the documents that you have been able</p>	Page 99
<p>1 O. IVEY 2 to locate in connection with this lawsuit? 3 ATTORNEY BRUSTEIN: Objection. 4 A. Yes. 5 ATTORNEY BRUSTEIN: You're asking 6 about just that one page? 7 ATTORNEY LUNDY: I was talking 8 about the whole set, exhibit 60. 9 ATTORNEY BRUSTEIN: I'm just 10 confused by your question because you 11 said eleven pages you're directing her 12 attention and then the whole set? Are 13 you referring to the entire exhibit or 14 the eleven pages you asked her to look 15 at. 16 ATTORNEY LUNDY: Let me break it 17 down. 18 Q. Ms. Ivey, turning back to exhibit 19 60, from pages marked Staley v FSR 90 through 20 103 -- 21 A. There's no -- okay. All right. 22 Q. Have you seen these documents 23 before? 24 A. Yes. 25 Q. And is it your understanding that</p>	Page 100	<p>1 O. IVEY 2 these are documents that you located for the 3 production in this lawsuit? 4 A. Yes. 5 Q. And for the remaining pages of 6 exhibit 60, have you seen those pages before? 7 ATTORNEY BRUSTEIN: I'm just going 8 to object because these clearly, some of 9 them are partial pages. 10 ATTORNEY LUNDY: That's how they 11 were produced to us. So I'm just trying 12 to -- 13 ATTORNEY BRUSTEIN: Well, they were 14 produced in electronic form. 15 ATTORNEY LUNDY: Right, and when we 16 printed them out this is how they 17 appear. So I am just asking her if 18 she's seen these documents before as 19 they appear. 20 A. I'm not sure what these two are 21 (indicating). 22 Q. Okay. And the document beginning 23 at Staley v FSR 107, have you seen that 24 before? 25 A. Yes.</p>	Page 101

<p>1 O. IVEY</p> <p>2 Q. Thank you.</p> <p>3 ATTORNEY BRUSTEIN: Are you done</p> <p>4 with 60?</p> <p>5 ATTORNEY LUNDY: I am. Thank you.</p> <p>6 Q. Ms. Ivey, when did you first apply</p> <p>7 for a job at the hotel?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. That was a long time ago. That was</p> <p>10 in October of -- I don't remember. 90 ...</p> <p>11 this year will be 25 years. So it would be 25</p> <p>12 years ago. What is that, '97?</p> <p>13 Q. Approximately 1997?</p> <p>14 A. Yes.</p> <p>15 Q. And what position did you apply for</p> <p>16 back --</p> <p>17 A. Room attendant.</p> <p>18 Q. And were you hired as a room</p> <p>19 attendant at the hotel?</p> <p>20 A. Yes.</p> <p>21 Q. And was that in approximately 1997?</p> <p>22 A. Approximately, yes.</p> <p>23 Q. Did you hold other positions at the</p> <p>24 hotel?</p> <p>25 A. Yes.</p>	Page 102	Page 103
	Page 104	Page 105
	<p>1 O. IVEY</p> <p>2 A. So I supervised a staff. There are</p> <p>3 the supervisors who supervise the staff but I</p> <p>4 also needed to oversee everything that was</p> <p>5 being done on my shift for the day.</p> <p>6 Q. Did you receive training for that</p> <p>7 role?</p> <p>8 A. Yes.</p> <p>9 Q. Did you have individuals that</p> <p>10 reported into you?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. Yes.</p> <p>13 Q. How many individuals reported into</p> <p>14 you?</p> <p>15 A. It differs on a daily basis.</p> <p>16 Q. Did you consider yourself to be a</p> <p>17 supervisor?</p> <p>18 A. I considered myself to be a</p> <p>19 manager.</p> <p>20 Q. And how many individuals did you</p> <p>21 manage on a day-to-day basis?</p> <p>22 A. It differs.</p> <p>23 Q. How much did it differ?</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. It differs significantly based on</p>	

<p>1 O. IVEY 2 occupancy. 3 Q. Can you give me a general range of 4 how much it could differ? 5 ATTORNEY BRUSTEIN: Objection. 6 A. It just is really dependent on how 7 much -- how many people are reporting to work 8 that day. So on a slow day, holidays or 9 during slow season it can be twenty people or 10 thirty people. And on a day that we're 11 running at high occupancy it can be 70 people, 12 or even more. It really fluctuates based on 13 occupancy. 14 Q. In January 2020 did you have a 15 supervisor? 16 A. Yes. 17 Q. Who was your supervisor? 18 A. Well, I report to the director, 19 assistant director of housekeeping. And also 20 I report to the director of rooms. 21 Q. Can you identify those people for 22 me, please? 23 ATTORNEY BRUSTEIN: Objection. 24 A. The director of rooms is Sharon 25 Brambrut. The director -- we did not have a</p>	Page 106	Page 107
<p>1 O. IVEY 2 to her -- I know it was after I went to 3 Philadelphia. I spoke to her when I was 4 contacted to go downtown. Because I did a 5 stint downtown, so I remember her saying she 6 heard that I was going downtown. 7 Q. When you say downtown, is that -- 8 A. Downtown Four Seasons. Downtown. 9 Q. When you say a stint, what do you 10 mean by that? 11 A. Task force. 12 Q. What's a task force? 13 A. Where we -- if another Four Seasons 14 needs help and employees from other Four 15 Seasons are available they have the option of 16 going there to work. 17 Q. You previously testified that you 18 also were on a task force in Philadelphia, is 19 that right? 20 A. Yes. 21 Q. When were you on a task force at 22 Four Seasons Philadelphia? 23 A. I don't remember the dates. 24 Q. Do you recall the year? 25 A. It might have been in '21 or '22.</p>	Page 108	Page 109

<p>1 O. IVEY</p> <p>2 A. Yes.</p> <p>3 Q. Prior to that assignment when was</p> <p>4 your last conversation with Ms. Brambrut?</p> <p>5 A. I don't remember.</p> <p>6 Q. As a manager at the hotel were you</p> <p>7 responsible for implementing any disciplinary</p> <p>8 action of any employees from the housekeeping</p> <p>9 staff in January of 2020?</p> <p>10 A. Yes, I was in charge of</p> <p>11 implementing disciplinary action.</p> <p>12 Q. And what could that entail?</p> <p>13 A. Any breach of conduct. Any</p> <p>14 noncompliance to the rules, the regulations,</p> <p>15 the standards.</p> <p>16 Q. Were you tasked with the</p> <p>17 responsibility to hire and fire individuals</p> <p>18 from the housekeeping staff?</p> <p>19 A. No.</p> <p>20 Q. But you were responsible for</p> <p>21 disciplining members of the housekeeping</p> <p>22 staff, right?</p> <p>23 ATTORNEY BRUSTEIN: Objection.</p> <p>24 A. Yes.</p> <p>25 Q. In January of 2020 were you</p>	Page 110	Page 111
<p>1 O. IVEY</p> <p>2 There's three pages -- I'm sorry. Four pages.</p> <p>3 At the top of the first page in the second</p> <p>4 paragraph it says "I, Olive Ivey-Williams."</p> <p>5 Is that you?</p> <p>6 A. Yes.</p> <p>7 Q. And at the bottom of the page</p> <p>8 there's a signature. Is that your signature?</p> <p>9 A. Yes.</p> <p>10 Q. And turning to the next page it's</p> <p>11 titled EmPact Summary and Understanding. At</p> <p>12 the bottom of the page it says "I, Olive</p> <p>13 Ivey-Williams." Is that your name?</p> <p>14 A. Yes.</p> <p>15 Q. And is that your signature at the</p> <p>16 bottom of the page?</p> <p>17 A. Yes.</p> <p>18 Q. And turning to the next page, it's</p> <p>19 titled EmPact Revisions Acknowledgment Form.</p> <p>20 At the bottom is WARNERDEF_000100.</p> <p>21 A. Mm-hmm.</p> <p>22 Q. It says "Print Name," Olive</p> <p>23 Rodriguez, is that you?</p> <p>24 A. It is me.</p> <p>25 Q. And is that your signature on the</p>	Page 112	Page 113
		<p>1 O. IVEY</p> <p>2 page?</p> <p>3 A. It is.</p> <p>4 Q. And it's dated April 18, 2018, is</p> <p>5 that right?</p> <p>6 A. Yes.</p> <p>7 Q. And the next page, Bates-numbered</p> <p>8 WARNERDEF_000101, also titled EmPact Revisions</p> <p>9 Acknowledgment Form.</p> <p>10 It appears to be an identical</p> <p>11 document as the prior page, is that right?</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 Outside of the Bates number?</p> <p>14 ATTORNEY LUNDY: WARNERDEF_000100</p> <p>15 and WARNERDEF_000101.</p> <p>16 A. Yes.</p> <p>17 Q. Is your signature on both of those</p> <p>18 pages?</p> <p>19 A. Yes.</p> <p>20 Q. And they appear to be duplicates,</p> <p>21 is that right?</p> <p>22 A. It does.</p> <p>23 Q. Okay. Thank you.</p> <p>24 ATTORNEY BRUSTEIN: Are you done</p> <p>25 with that one?</p>

<p>1 O. IVEY</p> <p>2 ATTORNEY LUNDY: Yes. Thank you.</p> <p>3 I just have another line of questions</p> <p>4 and maybe that would be a good great, at</p> <p>5 that point?</p> <p>6 ATTORNEY BRUSTEIN: Meaning after</p> <p>7 or before?</p> <p>8 ATTORNEY LUNDY: Before.</p> <p>9 ATTORNEY BRUSTEIN: So now?</p> <p>10 ATTORNEY LUNDY: Why don't we break</p> <p>11 after the next set, does that work?</p> <p>12 ATTORNEY BRUSTEIN: Yes. That's</p> <p>13 why I said before or after, so I</p> <p>14 understood what you meant.</p> <p>15 ATTORNEY LUNDY: Yes.</p> <p>16 (Defendants' Exhibit 62, 2019 Form</p> <p>17 W-2 was marked for identification).</p> <p>18 Q. Ms. Ivey, I am showing you a</p> <p>19 document that has been marked exhibit 62.</p> <p>20 Have you seen this document before?</p> <p>21 A. Yes.</p> <p>22 Q. Can you identify it for me, please?</p> <p>23 A. It's my pay stub.</p> <p>24 Q. And when you say pay stub it's</p> <p>25 referred to as a 2019 W-2 --</p>	Page 114	Page 115
<p>1 O. IVEY</p> <p>2 Q. From what year?</p> <p>3 A. 2020.</p> <p>4 Q. And at the top of the page it</p> <p>5 states employer's name address and ZIP code,</p> <p>6 do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And it identifies your employer as</p> <p>9 Hotel 57 Services, LLC, is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Is that your understanding?</p> <p>12 A. Yes.</p> <p>13 Q. Thank you.</p> <p>14 (Defendants' Exhibit 64, 2021 Form</p> <p>15 W-2 was marked for identification).</p> <p>16 Q. Ms. Ivey, I am showing you a</p> <p>17 document that has been marked exhibit 64.</p> <p>18 Have you seen this document before?</p> <p>19 A. Yes.</p> <p>20 Q. Can you identify it for me, please?</p> <p>21 A. W-2, 2021.</p> <p>22 Q. And under Employer's it lists Hotel</p> <p>23 57 Services, LLC, is that right?</p> <p>24 A. Yes.</p> <p>25 Q. And is it your understanding that</p>	Page 116	Page 117

<p>1 O. IVEY</p> <p>2 A. In what year?</p> <p>3 Q. 2021?</p> <p>4 A. Yes, according to this.</p> <p>5 Q. Do you recall what hours you worked</p> <p>6 in 2021 at Hotel 57 Services, LLC?</p> <p>7 ATTORNEY BRUSTEIN: Objection.</p> <p>8 A. My hours varied. I could work from</p> <p>9 6:30 a.m. until 11 p.m. It could be from 6:30</p> <p>10 a.m. until 10 p.m. 6:30 to 6. My day varies</p> <p>11 based on workload.</p> <p>12 ATTORNEY BRUSTEIN: Can I just have</p> <p>13 the last question read back?</p> <p>14 Q. Were you done with your answer?</p> <p>15 A. No.</p> <p>16 Q. Okay. Why don't you finish</p> <p>17 answering the question.</p> <p>18 A. So my work varied based on my</p> <p>19 workload, and what it is that I needed to</p> <p>20 complete on a daily basis. My schedule time</p> <p>21 would have been 6:30 a.m. to 5 p.m. However,</p> <p>22 it is not typical to leave in ten hours. We</p> <p>23 have ten hour days, but we are never able to</p> <p>24 leave in ten hours. So it varies.</p> <p>25 Q. And the schedule you were</p>	<p>Page 118</p>	<p>Page 119</p>
<p>1 O. IVEY</p> <p>2 Q. Ms. Ivey, do you recall the hours</p> <p>3 that you worked in 2020 at the hotel?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. My hours varied. I can tell you</p> <p>6 that every day I started 6 – most days I</p> <p>7 start at 6:30 a.m. But as far as what time I</p> <p>8 leave, it varied.</p> <p>9 Q. Were you paid on a salary or hourly</p> <p>10 basis?</p> <p>11 A. Salary.</p> <p>12 Q. And the individuals that reported</p> <p>13 into you, that you managed, were they paid on</p> <p>14 a salary or hourly basis?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. Hourly.</p> <p>17 Q. Do you recall the hours of work for</p> <p>18 the individuals that reported into you in</p> <p>19 2020?</p> <p>20 ATTORNEY BRUSTEIN: Objection.</p> <p>21 A. I recall their scheduled hours.</p> <p>22 Q. And what were those?</p> <p>23 A. It varies.</p> <p>24 Q. And what about in 2021, do you</p> <p>25 recall the scheduled hours of work for the</p>	<p>Page 120</p>	<p>Page 121</p>

<p>1 O. IVEY</p> <p>2 housekeeping staff, do you know what members</p> <p>3 of your housekeeping staff were paid in 2021?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. You're talking about wages?</p> <p>6 Q. Compensation?</p> <p>7 ATTORNEY BRUSTEIN: Objection.</p> <p>8 A. Well, there were no wages in 2021,</p> <p>9 because we were on a pandemic, right? So I</p> <p>10 don't know of anyone getting -- what they got,</p> <p>11 if anyone got any money, or paid to do</p> <p>12 whatever.</p> <p>13 Q. Are you aware that employees of the</p> <p>14 hotel continued to work in 2021?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. (No response.)</p> <p>17 ATTORNEY LUNDY: Withdrawn.</p> <p>18 Q. Ms. Ivey, are you aware that in</p> <p>19 2021 hotel employees continued to receive</p> <p>20 wages from the hotel?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. I heard that they were getting some</p> <p>23 form of payment.</p> <p>24 Q. Do you know who were?</p> <p>25 A. No.</p>	Page 122	Page 123
<p>1 O. IVEY</p> <p>2 wages in 2021 working at the hotel?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. I'm assuming if they're working</p> <p>5 they get wages.</p> <p>6 Q. And in 2021, we've already reviewed</p> <p>7 exhibit 64, identifying the compensation that</p> <p>8 you received from Hotel 57 Services, LLC, did</p> <p>9 we not?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. Yes.</p> <p>12 (Defendants' Exhibit 65, earnings</p> <p>13 statement was marked for</p> <p>14 identification).</p> <p>15 Q. Ms. Ivey, have you seen this</p> <p>16 document before?</p> <p>17 A. Yes.</p> <p>18 Q. Can you identify it for me, please?</p> <p>19 A. This is payment for my vacation</p> <p>20 hours that was owed.</p> <p>21 Q. This is an earnings statement, is</p> <p>22 that what the document is labeled as?</p> <p>23 A. Yes.</p> <p>24 Q. And below it, it lists Hotel 57</p> <p>25 Services, LLC, do you see that?</p>	Page 124	Page 125

<p>1 O. IVEY</p> <p>2 says period beginning: July 16, 2022. Period</p> <p>3 ending: July 22, 2022.</p> <p>4 Do you see that?</p> <p>5 A. I see that.</p> <p>6 Q. So in July of 2022 you received a</p> <p>7 payout of vacation in the amount of \$913.38</p> <p>8 from Hotel 57 Services, LLC, is that right?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. That is correct.</p> <p>11 Q. You previously testified today that</p> <p>12 you believe that your employment was</p> <p>13 terminated in 2021?</p> <p>14 A. Yes.</p> <p>15 Q. Why would you be paid out vacation</p> <p>16 in July of 2022 if you were terminated from</p> <p>17 your employment from Hotel 57 Services, LLC?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. This is vacation that was earned</p> <p>20 prior to us going home from the pandemic, and</p> <p>21 so this is vacation that was not being accrued</p> <p>22 after COVID. It was just there. After being</p> <p>23 home for so long, I needed to be paid out, we</p> <p>24 were told that we had the option of cashing</p> <p>25 out the vacation. And then after realizing</p>	Page 126	Page 127
<p>1 O. IVEY</p> <p>2 longer employed with Hotel 57 Services still</p> <p>3 be eligible for a 401(k)?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. They would not be eligible.</p> <p>6 However, if I was employed by Hotel 57, or by</p> <p>7 the Four Seasons midtown and I have earnings</p> <p>8 that my 401(k) contribution, which was</p> <p>9 standing, would have been deducted. It</p> <p>10 wasn't.</p> <p>11 Q. Your earnings statement identifies</p> <p>12 that you were eligible for 401(k) in July of</p> <p>13 2022, is that what this document says?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. It does say that. But if you</p> <p>16 notice that the \$913, no contribution to my</p> <p>17 401(k) was taken from it.</p> <p>18 Q. Do you know whether or not any</p> <p>19 other employees of Hotel 57 Services also</p> <p>20 received compensation in July of 2022?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. I don't know.</p> <p>23 Q. In July of 2022 were you accruing</p> <p>24 seniority at the hotel?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	Page 128	Page 129

<p>1 O. IVEY</p> <p>2 Q. Is Principal your employer?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. No.</p> <p>5 Q. Was Principal ever your employer?</p> <p>6 A. No. However, upon getting that</p> <p>7 information from Principal, I did reach out to</p> <p>8 Elizabeth Ortiz to advise her of what</p> <p>9 transpired, the conversation I had with</p> <p>10 Principal. And her response to me was that</p> <p>11 they should not have told me that. And she</p> <p>12 would take care of it.</p> <p>13 I, um --</p> <p>14 Q. Do you know who employs --</p> <p>15 ATTORNEY BRUSTEIN: Wait. I'm</p> <p>16 sorry. She was still in the middle of</p> <p>17 speaking. I just ask that she be able</p> <p>18 to complete the answer.</p> <p>19 Q. I didn't mean to interrupt.</p> <p>20 A. She said she would take care of it.</p> <p>21 And so I gave her some time. I told her --</p> <p>22 she never got back to me. And I called. I</p> <p>23 didn't get her on the phone. I never heard</p> <p>24 anything from her after that.</p> <p>25 Q. Hotel 57 Services, LLC issued the</p>	Page 130	Page 131
<p>1 O. IVEY</p> <p>2 A. Yes. I have the option of it</p> <p>3 remaining there. However, I cannot contribute</p> <p>4 to it.</p> <p>5 (Defendants' Exhibit 66,</p> <p>6 WARNERDEF_00651 through WARNERDEF_00653</p> <p>7 was marked for identification).</p> <p>8 Q. Ms. Ivey, I have shown you a</p> <p>9 document that has been marked exhibit 66. At</p> <p>10 the top it says Olive Rodriguez. And if you</p> <p>11 turn the page, it appears to be three separate</p> <p>12 pages, Bates-numbered WARNERDEF_00651. The</p> <p>13 second page is WARNERDEF_00652. And</p> <p>14 WARNERDEF_00653.</p> <p>15 Do you recognize this document?</p> <p>16 A. Yes.</p> <p>17 Q. Can you identify it for me, please?</p> <p>18 A. This is a message to Elizabeth</p> <p>19 Ortiz about the communication that I received</p> <p>20 from Principal, and what they told me.</p> <p>21 Q. Let's look at that. The first</p> <p>22 page, it says from Olive Rodriguez.</p> <p>23 A. Mm-hmm.</p> <p>24 Q. Hi Liz. I was informed by</p> <p>25 Principal that my status with the Four Seasons</p>	Page 132	Page 133

<p>1 O. IVEY 2 with them in 2022. 3 As far as when, dates, I don't 4 remember. 5 Q. You previously testified today that 6 you came to the conclusion that your 7 employment was terminated from the hotel 8 because of your correspondence with Principal, 9 right? 10 A. It wasn't just because of my 11 correspondence with Principal. When we had 12 the meeting, the last meeting on the Zoom with 13 representatives from the Four Seasons, I left 14 that meeting thinking that I wasn't going back 15 to work. 16 Q. When you say meeting with 17 representatives, are you referring to the town 18 hall meeting on -- 19 A. Yes. 20 Q. -- June 25, 2021? 21 A. Yes. 22 ATTORNEY BRUSTEIN: Just wait for 23 her to finish the question. 24 THE WITNESS: Thank you. 25 Q. We've just reviewed documents</p>	Page 134	Page 135
<p>1 O. IVEY 2 the record, that's helpful. But 3 Ms. Lundy, if you would like to share a 4 calendar, that's fine. Otherwise you're 5 just looking at a calendar by yourself. 6 Q. Ms. Ivey, does Tuesday -- 7 withdrawn. 8 Ms. Ivey, does it refresh your 9 recollection that on May 17 in 2022 it was a 10 Tuesday? 11 ATTORNEY BRUSTEIN: Objection. 12 A. No. 13 Q. All right. Let's move on. Let's 14 just continue the full conversation between 15 you and Ms. Ortiz. It says: Did you get a 16 communication or something? And on the next 17 page, Olive Rodriguez -- which is you, right? 18 A. Mm-hmm. 19 Q. You respond, I was called to make a 20 decision on my 401(k). And the response is 21 "That's odd. What decision?" 22 And Olive Rodriguez, which is you, 23 right? 24 ATTORNEY BRUSTEIN: Objection. 25 Q. Is that you?</p>	Page 136	Page 137
<p>1 O. IVEY 2 marked exhibit 65 from July of 2022 3 identifying the payout of vacation pay to you 4 from Hotel 57 Services, LLC, did we not? 5 A. Yes. 6 Q. All right. And we're reviewing 7 exhibit 66, concerning your correspondence 8 with Ms. Ortiz regarding your 401(k), is that 9 right? 10 ATTORNEY BRUSTEIN: Objection. 11 A. Yes. 12 Q. And is it your testimony that you 13 don't recall what year this text exchange 14 occurred? 15 A. I don't remember what year, no. 16 Q. Ms. Ivey, looking at our calendar, 17 it appears that May 17, 2022 was a Tuesday. 18 Does that refresh your recollection of whether 19 or not this text message was sent in 2022? 20 ATTORNEY BRUSTEIN: Objection. I 21 just want to correct the record. We're 22 not looking at a calendar. 23 ATTORNEY BOLAND: We are. 24 ATTORNEY BRUSTEIN: Well, thank 25 you. Ms. Lundy -- now that you're on</p>		

<p>1 O. IVEY 2 complete record? 3 ATTORNEY LUNDY: Sure. I was just 4 trying to be thoughtful of the time. I 5 can read the whole exchange. Let's go 6 back. 7 Q. So on the second page Olive 8 Rodriguez, which is you, right? 9 A. Yes. 10 Q. You say: They said my status with 11 the company has changed so I have options with 12 my 401(k). I now have the option to roll over 13 to a new company, cash out or place it in a 14 Roth IRA. 15 The response is "Very odd. I'll 16 reach out to them. Nothing has changed." 17 Let's turn to the third page to get 18 the full text. 19 A. Mm-hmm. 20 Q. Anyway you can leave money with the 21 provider indefinitely. Did you get something 22 in the mail? I don't think they would have 23 called to tell you that. Olive Rodriguez 24 responds -- which is you, right? 25 A. Yes.</p>	Page 138	Page 139
<p>1 O. IVEY 2 A. If the hotel opened tomorrow would 3 they rehire me, would be my first thought. 4 Q. Whether they rehired -- 5 A. It would not be a recall -- 6 Q. I'm sorry. 7 A. -- it would be a rehire. 8 Q. Let me ask the question, Ms. Ivey. 9 A. Okay. 10 Q. Whether you want to characterize it 11 as a recall or a rehire, if the hotel was to 12 open tomorrow would you like to return to 13 employment? 14 ATTORNEY BRUSTEIN: Objection. 15 A. That is a -- that is a question 16 that I would have to think about. 17 Q. So is it -- 18 A. Allow me to -- that is a question I 19 would have to think about. I've been with 20 that company for 25 years. And it is my 21 honest -- honest opinion that the way I am 22 treated by this company during this pandemic, 23 during this time, it's very painful. I 24 committed -- I was a loyal, committed, 25 dedicated employee to this organization. And</p>	Page 140	Page 141
<p>1 O. IVEY 2 if a business decision was made to send us 3 home and it was done in a dignified manner, 4 the -- the motto of the Four Seasons Hotel is 5 to treat others as you would like to be 6 treated. This is what we were taught for 25 7 years. Some people for more. Some people for 8 less. And I would have to really think long 9 and hard based on how I know I have been 10 treated. 11 We as a people that work in that 12 building at 57th Street was treated -- or are 13 being treated very poorly. So yes, it's 14 something that I would really have to think 15 about. Did I love that organization? Did I 16 love working there? Absolutely. 17 Q. Do you know whether any other 18 employees of Hotel 57 Services would have to 19 think really hard about returning to work if 20 it reopened tomorrow -- 21 A. I cannot -- 22 ATTORNEY BRUSTEIN: Objection. 23 ATTORNEY LUNDY: Let me finish my 24 question. 25 Q. -- or would they accept the</p>		

<p>1 O. IVEY</p> <p>2 opportunity without having to think about it</p> <p>3 long and hard?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. I cannot speak for anyone else. As</p> <p>6 it pertains to that aspect of working, I</p> <p>7 cannot speak for them.</p> <p>8 Q. So you don't know?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. I don't know.</p> <p>11 ATTORNEY LUNDY: I have one last</p> <p>12 quick question, and then we can break.</p> <p>13 (Defendants' Exhibit 67,</p> <p>14 WARNERDEF_000150 was marked for</p> <p>15 identification).</p> <p>16 Q. Ms. Ivey, I am showing you a</p> <p>17 document that has been marked exhibit 67 with</p> <p>18 Bates numbers WARNERDEF_000150.</p> <p>19 Have you seen this exchange before?</p> <p>20 A. Yes.</p> <p>21 Q. Can you identify it for me, please?</p> <p>22 A. I think this is some form of</p> <p>23 correspondence asking for, um, I was trying to</p> <p>24 apply for, to get my vacation time paid out,</p> <p>25 and I wasn't able to access.</p>	Page 142	Page 143
<p>1 O. IVEY</p> <p>2 supervisor?</p> <p>3 A. Yes.</p> <p>4 Q. It says: "Hi Sharon! I would like</p> <p>5 to apply for vacation to be paid weekly but I</p> <p>6 am unable to access WD. Are you able to</p> <p>7 assist me with the resetting or applying?"</p> <p>8 Is that your text message?</p> <p>9 A. Yes.</p> <p>10 Q. What does "WD" mean?</p> <p>11 A. Workday.</p> <p>12 Q. What is Workday?</p> <p>13 A. So Workday is our electronic file.</p> <p>14 It has all our -- this is where we -- how we</p> <p>15 go about applying for vacation, seeing how</p> <p>16 much vacation we have accrued, how much we</p> <p>17 have earned. Anything to do with our worklife</p> <p>18 would be found there.</p> <p>19 Q. Do you still have access to</p> <p>20 Workday?</p> <p>21 A. I do not.</p> <p>22 Q. When was the last time you tried to</p> <p>23 access Workday?</p> <p>24 A. I did try doing this. I don't</p> <p>25 remember if I was able to. And I don't</p>	Page 144	Page 145
<p>1 O. IVEY</p> <p>2 Q. It says Tuesday, May 10. Do you</p> <p>3 recall what year that is?</p> <p>4 A. I don't remember: I don't remember</p> <p>5 when it was. It says May 10, but I am very,</p> <p>6 very bad with dates. So ...</p> <p>7 Q. Does it refresh your recollection</p> <p>8 that in 2022, May 10 fell on a Tuesday?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. No.</p> <p>11 ATTORNEY LUNDY: Withdrawn.</p> <p>12 ATTORNEY BOLAND: Oh, wait. It</p> <p>13 did. Yeah.</p> <p>14 A. It says Tuesday, May 10, but I</p> <p>15 don't -- it doesn't jog my memory.</p> <p>16 ATTORNEY BOLAND: Sorry about that.</p> <p>17 Q. Okay. It says: "Hi Sharon." The</p> <p>18 reference to Sharon, is that Sharon Brambrut</p> <p>19 who we've been speaking about earlier?</p> <p>20 A. Yes.</p> <p>21 Q. And Sharon Brambrut was one of your</p> <p>22 supervisors at the hotel?</p> <p>23 A. She's my direct -- she's the</p> <p>24 director of rooms.</p> <p>25 Q. Did you consider her your</p>		Page 145

<p>1 O. IVEY</p> <p>2 A. I don't remember doing that. As</p> <p>3 far as I am concerned, I wouldn't -- I</p> <p>4 wouldn't have done that. Why would I -- why</p> <p>5 would I contact her to get me into Workday if</p> <p>6 I'm not working there?</p> <p>7 Q. So your answer is no, you haven't</p> <p>8 contacted her to gain access to Workday?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. I don't remember doing that, no.</p> <p>11 Q. Do you recall whether or not you</p> <p>12 gained access to Workday following this</p> <p>13 correspondence with Sharon?</p> <p>14 A. I don't remember. I think that --</p> <p>15 I don't remember if I put it in or if she put</p> <p>16 it in for me. I do not remember.</p> <p>17 Q. Okay.</p> <p>18 ATTORNEY LUNDY: You want to take a</p> <p>19 break?</p> <p>20 (Lunch recess taken at 1:05 p.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 146	Page 147
	Page 148	Page 149
		<p>1 O. IVEY</p> <p>2 the date we were sent home.</p> <p>3 Q. Does paragraph 3 refresh your</p> <p>4 recollection that you first learned about the</p> <p>5 COVID-19 pandemic in 2020?</p> <p>6 A. I don't remember when I first heard</p> <p>7 about it. I know it was all over the news,</p> <p>8 over TV. So we were watching it unfold in</p> <p>9 other parts of the country. I don't know when</p> <p>10 it was first reported in the U.S. But I know</p> <p>11 that -- I know that we were watching it unfold</p> <p>12 on TV. I don't know what dates.</p> <p>13 Q. My question, though, was not a</p> <p>14 specific date, but a particular year.</p> <p>15 Do you recall what year you first</p> <p>16 learned about the COVID-19 pandemic?</p> <p>17 A. I don't remember what year. Truth</p> <p>18 be told, I'm very bad with dates. So I</p> <p>19 don't -- unless I write dates down and make</p> <p>20 note of it, I don't remember dates.</p> <p>21 Q. When the COVID-19 pandemic first</p> <p>22 began did it affect your day to day life?</p> <p>23 ATTORNEY BRUSTEIN: Objection.</p> <p>24 A. No, because we were still going</p> <p>25 about our daily business as usual. We went to</p>

<p>1 O. IVEY</p> <p>2 work, we were working, we were watching it on</p> <p>3 TV. But I don't -- nothing was -- we didn't</p> <p>4 really do anything differently. Because, you</p> <p>5 know, it was -- it was something that was</p> <p>6 happening but we didn't see it happening in</p> <p>7 front of our eyes. It was just like we were</p> <p>8 watching it happening in another country.</p> <p>9 Q. Did there come a period of time</p> <p>10 where the COVID-19 pandemic did affect your</p> <p>11 day to day life?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall when that was?</p> <p>14 A. In regard to affecting my day to</p> <p>15 day life, I think it would have to be after we</p> <p>16 were sent home and realized that COVID was</p> <p>17 here, and now things were changing. We were</p> <p>18 sent home from work, we were -- my routine now</p> <p>19 has changed. My routine is usually you wake</p> <p>20 up, you go to work, you work your hours, you</p> <p>21 come home, you do your whatever needed to be</p> <p>22 done. The work was a big part of my day. And</p> <p>23 so not going to work on a daily basis yes,</p> <p>24 that was a major disruption.</p> <p>25 Q. Did you personally foresee the</p>	Page 150	Page 151
<p>1 O. IVEY</p> <p>2 here, why would we be surprised -- why would</p> <p>3 we think it was going to be any different from</p> <p>4 it was in China? We saw it unfold in China,</p> <p>5 we saw it over a period of time.</p> <p>6 So for me, once it got here, I</p> <p>7 thought that, I made preparation, like when --</p> <p>8 when I was sent home, I had a freezer and a</p> <p>9 refrigerator at home. And even though they</p> <p>10 told me I was going to be home for two weeks,</p> <p>11 I never believed it. I stocked up on food for</p> <p>12 my family because of what I saw on TV.</p> <p>13 Q. Ms. Ivey, you're referring to "we."</p> <p>14 Who are you referring to as "we"?</p> <p>15 A. When we were sent home?</p> <p>16 Q. Yes.</p> <p>17 A. Or what we were doing at home? We</p> <p>18 were sent home means -- when I was sent home,</p> <p>19 when we were all as employees of Four Seasons</p> <p>20 midtown sent home and what we were making</p> <p>21 preparation would be my family and I were</p> <p>22 making preparation at home.</p> <p>23 Q. Were all employees of the hotel</p> <p>24 sent home?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	Page 152	Page 153

<p>1 O. IVEY</p> <p>2 is my belief that that day when we were sent</p> <p>3 home on the 20th, that everybody left. I</p> <p>4 don't know that anyone stayed behind. And of</p> <p>5 course I wasn't told that. It was just</p> <p>6 something that I thought. Because everyone</p> <p>7 had to be out -- to be home because of the</p> <p>8 mandate from the city.</p> <p>9 Q. So it's your personal belief that</p> <p>10 all of the employees of the hotel were sent</p> <p>11 home on a particular date because of COVID-19,</p> <p>12 is that right?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. In the beginning, yes.</p> <p>15 Q. And what is the basis of your</p> <p>16 belief?</p> <p>17 A. Because I think -- well, it is my</p> <p>18 belief that the hotel midtown, Four Seasons</p> <p>19 midtown was acting on what the city said. We</p> <p>20 got a call -- I got a call stating that we are</p> <p>21 all going home because the city mandated that</p> <p>22 we go home and we would be on lockdown for two</p> <p>23 weeks. So if that was a mandate, I thought</p> <p>24 that it would have been for me natural --</p> <p>25 natural for me to believe that everybody</p>	Page 154	Page 155
<p>1 O. IVEY</p> <p>2 should pack and leave because it was mandated</p> <p>3 by the city. As far as what decision was</p> <p>4 taken after, whether people were staying</p> <p>5 behind or not, I was not privy to that.</p> <p>6 Q. You don't know specifically who</p> <p>7 "we" meant when that was being told to you?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. Could you please --</p> <p>10 Q. You just testified that Sharon</p> <p>11 Brambrut advised that "we should all go home."</p> <p>12 A. Mm-hmm.</p> <p>13 Q. But you don't know who "we" meant</p> <p>14 when Sharon Brambrut used that term, is that</p> <p>15 right?</p> <p>16 A. She said the hotel was closing, the</p> <p>17 hotel was closing, and as mandated by the city</p> <p>18 we are all to vacate -- we are going to be on</p> <p>19 lockdown. Now I am assuming if the city is on</p> <p>20 lockdown because of a pandemic, that everybody</p> <p>21 would be on lockdown. Not some people.</p> <p>22 So ...</p> <p>23 Q. So it's your personal belief that</p> <p>24 everyone went home from the hotel?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	Page 156	Page 157

<p>1 O. IVEY</p> <p>2 pandemic was unprecedented?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever experienced a global</p> <p>6 pandemic before COVID-19?</p> <p>7 A. No.</p> <p>8 Q. Do you know anyone who is currently</p> <p>9 alive who has experienced a global pandemic</p> <p>10 before COVID-19?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. No.</p> <p>13 Q. Did there come a time before you</p> <p>14 were sent home from work because of the</p> <p>15 COVID-19 pandemic that hotel business</p> <p>16 operations were being changed because of the</p> <p>17 pandemic?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. I don't remember. I don't remember</p> <p>20 when -- I don't remember.</p> <p>21 Q. Did there come a time a period of</p> <p>22 time in March 2020 that employees of the hotel</p> <p>23 were told to no longer shake hands with</p> <p>24 guests?</p> <p>25 A. Oh, yes. Yes.</p>	Page 158	Page 159
<p>1 O. IVEY</p> <p>2 because the COVID-19 pandemic was not</p> <p>3 expected?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. I would say that the face masks</p> <p>6 were difficult to purchase because of -- yes,</p> <p>7 because of the COVID-19, but also because we</p> <p>8 were not prepared.</p> <p>9 Q. Who is "we"?</p> <p>10 A. The country was not prepared, even</p> <p>11 though they saw what was happening ahead of it</p> <p>12 coming here.</p> <p>13 Q. In March 2020 did you know how long</p> <p>14 the COVID-19 pandemic would last?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. I didn't know how long it would</p> <p>17 last. I did believe it would last for a</p> <p>18 while.</p> <p>19 Q. What's the basis of that belief?</p> <p>20 A. What I saw unfolding.</p> <p>21 Q. What did you see unfolding?</p> <p>22 A. What was happening in China and</p> <p>23 other countries prior to it coming here.</p> <p>24 Hence the reason why I made preparations for</p> <p>25 my family.</p>	Page 160	Page 161

<p>1 O. IVEY 2 because so that I could have a clear 3 understanding of what the pandemic was about. 4 And so she printed the papers and she was able 5 to explain to me in simple terms what exactly 6 the virus was about.</p> <p>7 Q. Are you a doctor? 8 ATTORNEY BRUSTEIN: Objection. 9 A. I am not a doctor.</p> <p>10 Q. In April of 2020 did you know how 11 long the COVID-19 pandemic would last? 12 ATTORNEY BRUSTEIN: Objection. 13 A. I did not know how long it would 14 last.</p> <p>15 Q. In May 2020 did you know how long 16 the COVID-19 pandemic would last? 17 ATTORNEY BRUSTEIN: Objection. 18 A. The pandemic was -- in May of 2020 19 I did not know how long it would last. 20 However, I didn't think that it was going to 21 be over any time soon.</p> <p>22 Q. What was the basis of that belief? 23 A. Again, because of what I saw 24 happening around me.</p> <p>25 Q. Do you have a degree in science?</p>	<p>Page 162</p> <p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection. You 3 asked that already. I mean I think it's 4 really inappropriate to ask her about 5 degrees you know she doesn't have. Can 6 we please move on?</p> <p>7 ATTORNEY LUNDY: I have a question 8 pending.</p> <p>9 A. I do not have a degree in science.</p> <p>10 However, my common sense told me that based on 11 what was evident in front of my eyes, what was 12 happening, that it was not something that was 13 just going to be over overnight.</p> <p>14 Q. You used the word "any time soon." 15 What do you mean by "any time 16 soon"?</p> <p>17 A. It was not going to be two weeks or 18 a month.</p> <p>19 Q. What did you believe the length of 20 the COVID-19 pandemic would be?</p> <p>21 A. I didn't have a length for it, but 22 I think that I believed that as long as people 23 were not taking the protocol seriously or 24 doing, playing their part in helping it, to 25 stem it, and the fact that it seemed that if</p>
<p>1 O. IVEY 2 so much was happening elsewhere and what was 3 also starting to happen here, that it would 4 not be something that would end quickly.</p> <p>5 Q. Were restrictions put into place in 6 New York City in March 2020 in response to the 7 COVID-19 pandemic?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. I think there were some 10 restrictions, yes.</p> <p>11 Q. What were they?</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 A. I remember we were told to wear 14 masks.</p> <p>15 Q. Anything else?</p> <p>16 A. That is the most -- that is what I 17 remember the most.</p> <p>18 Q. Do you recall the state issuing 19 stay at home orders as a result of the 20 COVID-19 pandemic?</p> <p>21 A. Yes. I don't remember when it 22 happened, but I know they did issue the order 23 to stay home.</p> <p>24 Q. And did you comply with that order 25 to stay at home?</p>	<p>Page 164</p> <p>1 O. IVEY 2 ATTORNEY BRUSTEIN: Objection.</p> <p>3 A. Yes, we -- I did comply. I went 4 out when it was necessary.</p> <p>5 Q. Do you know how long the stay at 6 home orders were in place in New York City?</p> <p>7 A. I don't remember.</p> <p>8 Q. Do you know how long the stay at 9 home orders were in place in the state?</p> <p>10 A. I don't remember.</p> <p>11 Q. Do you recall how long the initial 12 stay at home order was put into place?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. No.</p> <p>15 Q. Do you know whether the stay at 16 home orders were extended for varying periods 17 of time?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. I don't remember how that went. I 20 know there were orders, but as far as were 21 the -- I don't remember how that went. I know 22 there were orders in place, though.</p> <p>23 Q. Do you recall the phrase 24 "flattening the curve"?</p> <p>25 A. Yes.</p>

<p>1 O. IVEY</p> <p>2 Q. What is your recollection of that</p> <p>3 phrase, "flattening the curve"?</p> <p>4 A. So from my recollection, I think on</p> <p>5 a daily basis there were reports, they would</p> <p>6 have numbers of -- of people that were</p> <p>7 contracting or that were affected by the --</p> <p>8 contracting the virus or dying from the virus.</p> <p>9 And so there was, I saw it on TV, like a</p> <p>10 graph, a curve of what was happening on a</p> <p>11 daily basis. And flattening the curve was</p> <p>12 basically at what point it started going down,</p> <p>13 and leveling off.</p> <p>14 Q. So there was a hope, by this</p> <p>15 concept of flattening the curve, that there</p> <p>16 would be a point where the curve would flatten</p> <p>17 and the COVID-19 pandemic would not be</p> <p>18 impacting our day to day life, is that right?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. Well, I'm sure there was a hope.</p> <p>21 Q. Right. But that was the concept,</p> <p>22 for flattening the curve, right?</p> <p>23 ATTORNEY BRUSTEIN: Objection.</p> <p>24 A. I assume so, yes.</p> <p>25 Q. Did there come a time when the</p>	Page 166	<p>1 O. IVEY</p> <p>2 hotel stopped accepting guests as a result of</p> <p>3 the COVID-19 pandemic?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall when that was?</p> <p>6 A. I don't remember the date.</p> <p>7 Q. Do you recall how you learned about</p> <p>8 that cessation of operation?</p> <p>9 A. I don't remember.</p> <p>10 Q. When this change in hotel operation</p> <p>11 was announced what was your expectation about</p> <p>12 the length of this temporary closure of hotel</p> <p>13 operation?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. I thought that I was going to be</p> <p>16 sent home, which I was, eventually, even</p> <p>17 before it happened, I -- I did believe that</p> <p>18 there would come a time when we would be</p> <p>19 sent -- when the staff would be sent home,</p> <p>20 including myself.</p> <p>21 Based on what I was seeing on -- in</p> <p>22 the media, I did not have any idea how it</p> <p>23 would play out and therefore I didn't have any</p> <p>24 idea of how long it would be.</p> <p>25 Q. Did you have a hope that the</p>	Page 167
<p>1 O. IVEY</p> <p>2 closure would only be two weeks?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. I had a hope that it would be two</p> <p>5 weeks, but I knew it wasn't going to be.</p> <p>6 Q. Is it accurate that there was</p> <p>7 uncertainty about how long the COVID-19</p> <p>8 pandemic would last?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. I'm sorry. Could you please repeat</p> <p>11 your question? Sorry.</p> <p>12 Q. Is it accurate that there was</p> <p>13 uncertainty about how long the pandemic would</p> <p>14 last?</p> <p>15 A. Yes. I think there was uncertainty</p> <p>16 about how long the pandemic would last.</p> <p>17 Q. In March 2020 do you recall the</p> <p>18 number of hours a week you were working?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. My scheduled hours per week would</p> <p>21 be 50. Ten hours per day five days per week.</p> <p>22 That is normal. There are days when it would</p> <p>23 be over that amount. But it would be a</p> <p>24 minimum of 50 hours.</p> <p>25 Q. Did there come a period of time</p>	Page 168	<p>1 O. IVEY</p> <p>2 when the hotel was converted to a temporary</p> <p>3 housing for COVID-19 first responders?</p> <p>4 A. I heard that on the news, yes.</p> <p>5 Q. When you learned about the hotel's</p> <p>6 conversion to a temporary housing for first</p> <p>7 responders, did you speak to anyone at the</p> <p>8 hotel about that?</p> <p>9 A. I don't remember if I spoke with</p> <p>10 anyone about that. I am sure it was -- I</p> <p>11 don't remember.</p> <p>12 Q. Did you work at the hotel when it</p> <p>13 was being operated as a temporary housing for</p> <p>14 first responders during the COVID-19?</p> <p>15 A. No, I did not.</p> <p>16 Q. Do you know whether any members of</p> <p>17 the housekeeping staff did report to work when</p> <p>18 the hotel was being operated as a temporary</p> <p>19 housing for first responders?</p> <p>20 A. I don't know. I am assuming that</p> <p>21 there would have been someone there.</p> <p>22 Q. Do you know whether other employees</p> <p>23 of the hotel were working at the property when</p> <p>24 it was operating as a temporary housing</p> <p>25 facility for first responders?</p>	Page 169

<p>1 O. IVEY</p> <p>2 A. I am assuming that if the hotel is</p> <p>3 open to first responders, there must be staff</p> <p>4 there. Who was there, I don't know. But I am</p> <p>5 sure there was staff there. Because they</p> <p>6 would not have had first responders there by</p> <p>7 themselves.</p> <p>8 Q. Were you asked to come back to work</p> <p>9 during the time period that the hotel was</p> <p>10 operating as a temporary housing facility for</p> <p>11 first responders?</p> <p>12 A. I was given the option to do so.</p> <p>13 However, I declined, because at the time I</p> <p>14 had – I have a disabled son, and, um, I also</p> <p>15 had an infant in my home, he was born -- he</p> <p>16 was born during COVID. So ...</p> <p>17 Q. Do you know --</p> <p>18 A. Out of an abundance of caution, I</p> <p>19 had to decline.</p> <p>20 Q. Do you know whether other employees</p> <p>21 of the hotel were asked to return to work</p> <p>22 during the operation of the temporary housing</p> <p>23 for first responders?</p> <p>24 A. I don't know.</p> <p>25 Q. Did you speak to any of your</p>	Page 170	Page 171
<p>1 O. IVEY</p> <p>2 there's no way that the hotel would be housing</p> <p>3 people and not have workers there.</p> <p>4 Q. And you don't know how many hours a</p> <p>5 week any of those employees would have been</p> <p>6 working at the hotel during that time?</p> <p>7 A. No. Because I wasn't there.</p> <p>8 Q. Was there a period of time after</p> <p>9 March 2020 that you were working at the hotel</p> <p>10 by remote means?</p> <p>11 A. If I was -- after March, 2020?</p> <p>12 Q. Yes.</p> <p>13 A. That I was working remotely?</p> <p>14 Q. Yes.</p> <p>15 A. No.</p> <p>16 Q. After March 2020 were you</p> <p>17 responsible for coordinating any schedules for</p> <p>18 the housekeeping staff during that time</p> <p>19 period?</p> <p>20 A. No.</p> <p>21 Q. Let's look at exhibit 33, please.</p> <p>22 (Defendants' Exhibit 33, Staley</p> <p>23 v FSR 0204 to 0207 was previously marked</p> <p>24 for identification.)</p> <p>25 Q. Ms. Ivey, I've shown you a document</p>	Page 172	Page 173

<p>1 O. IVEY</p> <p>2 Q. Do you know whether any other</p> <p>3 employees from the hotel were also asked to</p> <p>4 return to work but declined to do so?</p> <p>5 A. I don't know.</p> <p>6 Q. Let's turn to exhibit 33, please.</p> <p>7 It's Bates-numbered Staley v FSR 204 through</p> <p>8 Staley v. FSR 207. And it's dated April 9,</p> <p>9 2020.</p> <p>10 Ms. Ivey, have you seen this</p> <p>11 document before?</p> <p>12 A. Yes.</p> <p>13 Q. Can you identify it for me, please?</p> <p>14 A. I think it was a letter that was</p> <p>15 sent out to us after we went home, on</p> <p>16 informing us how to go about filing for</p> <p>17 unemployment.</p> <p>18 Q. Looking at the paragraph starting</p> <p>19 with hotel operations. It says: On March 20,</p> <p>20 2020 in an abundance of caution we made the</p> <p>21 difficult decision to temporarily suspend most</p> <p>22 of the hotel operations. At that time, we had</p> <p>23 communicated that our hope was to return to a</p> <p>24 full hotel operation on April 15, 2020.</p> <p>25 Was it also your hope on April 9,</p>	Page 174	Page 175
<p>1 O. IVEY</p> <p>2 29, 2020.</p> <p>3 Does this refresh your recollection</p> <p>4 that the stay at home orders were extended at</p> <p>5 varying times?</p> <p>6 ATTORNEY BRUSTEIN: Objection.</p> <p>7 A. I suppose so.</p> <p>8 Q. On the next page beginning at</p> <p>9 Staley v. FSR 0205 it outlines unemployment.</p> <p>10 A. Mm-hmm.</p> <p>11 Q. Did you file for unemployment?</p> <p>12 A. I did.</p> <p>13 Q. Do you recall when you filed for</p> <p>14 unemployment?</p> <p>15 A. I don't remember, but I'm sure the</p> <p>16 documentation is somewhere there, that shows.</p> <p>17 Q. Did you search your records to</p> <p>18 identify and collect any of those documents</p> <p>19 pertaining to your application for</p> <p>20 unemployment?</p> <p>21 A. Yes, I went on the unemployment</p> <p>22 website, I printed it out.</p> <p>23 Q. In connection with this lawsuit?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. We can move on.</p>	Page 176	Page 177

<p>1 O. IVEY</p> <p>2 Q. Do you recall receiving this</p> <p>3 document?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall how you received this</p> <p>6 document?</p> <p>7 A. I am sure it was by email.</p> <p>8 Q. Do you recall what email this</p> <p>9 document would have been sent to you?</p> <p>10 A. My personal email.</p> <p>11 Q. And what's the basis of that</p> <p>12 belief?</p> <p>13 A. Because that's where I search for</p> <p>14 all of my documents that I handed over.</p> <p>15 Q. In the first paragraph, the letter</p> <p>16 reads: It is hard to believe that it's been</p> <p>17 more than a month since we made the difficult</p> <p>18 decision to temporarily suspend hotel</p> <p>19 operations and then, shortly thereafter,</p> <p>20 reopen to provide housing for the health care</p> <p>21 professionals working on the front lines.</p> <p>22 Do you recall reading this?</p> <p>23 A. Yes.</p> <p>24 Q. How did you feel about the hotel's</p> <p>25 decision to provide housing for health care</p>	Page 178	Page 179
<p>1 O. IVEY</p> <p>2 surprised?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. I wasn't surprised, because of what</p> <p>5 was happening at the time.</p> <p>6 Q. COVID-19 was unpredictable at that</p> <p>7 time, is that fair to say?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. I think at that time, as far as the</p> <p>10 impact it was having and the fact that that</p> <p>11 aspect of it was unpredictable, I think that</p> <p>12 the part of it that was unpredictable was, no</p> <p>13 one could tell how long it would last.</p> <p>14 However, you know, eventually we did figure</p> <p>15 out that it was coming to an end.</p> <p>16 Q. Who is "we"?</p> <p>17 A. I mean society on a whole. Because</p> <p>18 the numbers had started to fall, and they were</p> <p>19 being reported as falling. And then at that</p> <p>20 point hope -- hope returned. You know, I</p> <p>21 personally felt hopeful when the numbers</p> <p>22 started falling, and thinking that okay,</p> <p>23 things are going to now -- things are</p> <p>24 gradually coming back to normal.</p> <p>25 Q. Do you know when the numbers</p>	Page 180	Page 181

<p>1 O. IVEY</p> <p>2 You know what? Let's go to 35. Sorry.</p> <p>3 (Defendants' Exhibit 35, Staley</p> <p>4 v FSR 0086 to 87 was previously marked</p> <p>5 for identification.)</p> <p>6 Q. Ms. Ivey, I've shown you a document</p> <p>7 marked exhibit 35. It's Bates-numbered Staley</p> <p>8 v FSR 0086 through Staley v FSR 0087. Do you</p> <p>9 see this before?</p> <p>10 A. I don't know if I've seen it</p> <p>11 before. It looks like a newsletter, we would</p> <p>12 normally get. So I'm not sure if -- I'm not</p> <p>13 sure if I've seen it before.</p> <p>14 Q. You're not sure if you've seen this</p> <p>15 particular document before?</p> <p>16 A. This particular one, yes.</p> <p>17 Q. But you just testified that you</p> <p>18 received newsletters from the hotel before, is</p> <p>19 that correct?</p> <p>20 A. Yeah.</p> <p>21 Q. Something similar in format to what</p> <p>22 we're looking at in exhibit 35?</p> <p>23 A. Yeah. I'm sure I've received</p> <p>24 something like this. I don't know if this is</p> <p>25 the exact one, but ...</p>	Page 182	Page 183
<p>1 O. IVEY</p> <p>2 Seasons, I am assuming that that's where all</p> <p>3 my -- any correspondence they send out, that's</p> <p>4 where they would send it to. Because I was</p> <p>5 receiving emails on my personal email.</p> <p>6 Q. My question was are you aware that</p> <p>7 Four Seasons would send correspondence to two</p> <p>8 accounts, to a personal account and also to a</p> <p>9 business account with the domain</p> <p>10 "@Fourseasons.com"?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. I wasn't aware.</p> <p>13 Q. Turning to this particular document</p> <p>14 on the first page, it identifies May 15</p> <p>15 through 21 anniversaries. And then it lists</p> <p>16 individual's names. Can you identify any of</p> <p>17 those people listed in this document?</p> <p>18 A. Yes.</p> <p>19 Q. Can you identify some for me,</p> <p>20 please?</p> <p>21 A. Winnie Chan. She's a room</p> <p>22 attendant. Vicky Li, she's a room attendant.</p> <p>23 Allen Slade is a bell attendant. Chris</p> <p>24 Mylonas is bell. Pauline is housekeeping.</p> <p>25 Q. And reviewing this document</p>	Page 184	Page 185
		<p>1 O. IVEY</p> <p>2 Q. Fair enough. How would you receive</p> <p>3 these newsletters?</p> <p>4 A. Email.</p> <p>5 Q. To what email address?</p> <p>6 A. Olivemivey@gmail.com.</p> <p>7 Q. Did the hotel ever send you emails</p> <p>8 to your Fourseasons.com account?</p> <p>9 A. When I'm at work, while I was</p> <p>10 employed, yes.</p> <p>11 Q. Do you recall ever checking your</p> <p>12 Fourseasons.com account following March 20 of</p> <p>13 2020?</p> <p>14 A. For the -- I had an iPhone that we</p> <p>15 got from the Four Seasons that connects us to</p> <p>16 every -- all the apps that we use. So for the</p> <p>17 time that I had access to that, I was able to</p> <p>18 check.</p> <p>19 Q. Are you aware that Four Seasons</p> <p>20 would send correspondence to both a Four</p> <p>21 Seasons domain email account and to personal</p> <p>22 email accounts to ensure delivery?</p> <p>23 ATTORNEY BRUSTEIN: Objection.</p> <p>24 A. Well, after I started getting</p> <p>25 emails on my personal account from Four</p>

<p>1 O. IVEY</p> <p>2 Q. Do you recall to what account?</p> <p>3 A. It would have been to</p> <p>4 olivemivey@gmail.com.</p> <p>5 Q. But you don't know if it was also</p> <p>6 sent to another account, too, is that right?</p> <p>7 A. No, because I didn't have access.</p> <p>8 Q. Did you check it?</p> <p>9 A. Well, I was not able to check it</p> <p>10 after I no longer had access to my cell</p> <p>11 phone -- to the company's phone.</p> <p>12 Q. It reads on the third paragraph:</p> <p>13 In addition to that extension, the social</p> <p>14 distancing guidelines and the stay at home</p> <p>15 order is still in place, therefore it is</p> <p>16 necessary to extend the suspension of regular</p> <p>17 hotel operations until July 15, 2020.</p> <p>18 Were you surprised that the hotel</p> <p>19 extended the suspension of its regular hotel</p> <p>20 operations through July 15, 2020 on May 22,</p> <p>21 2020?</p> <p>22 ATTORNEY BRUSTEIN: Objection.</p> <p>23 A. I don't know what I felt at the</p> <p>24 time. I really don't know what I -- I don't</p> <p>25 remember what I felt at the time. I -- I</p>	Page 186	Page 187
<p>1 O. IVEY</p> <p>2 A. At this time I was still thinking</p> <p>3 that it was temporary.</p> <p>4 (Defendants' Exhibit 37, Staley</p> <p>5 v FSR 0056 was previously marked for</p> <p>6 identification.)</p> <p>7 Q. You can put that aside. We are</p> <p>8 going to look at exhibit 37, please.</p> <p>9 Ms. Ivey, we're looking at a</p> <p>10 document previously marked exhibit 37 bearing</p> <p>11 Bates number Staley v FSR 0056 dated June 22,</p> <p>12 2020.</p> <p>13 Have you seen this document before?</p> <p>14 (The witness reviews document.)</p> <p>15 A. I think I have seen this document</p> <p>16 before.</p> <p>17 Q. Do you recall when you saw this</p> <p>18 document before?</p> <p>19 A. I don't remember dates, but the</p> <p>20 document looks familiar.</p> <p>21 Q. I am going to refer you to the</p> <p>22 third paragraph. The first sentence reads:</p> <p>23 "Upon departure of the health care</p> <p>24 professionals, we will temporarily be</p> <p>25 suspending most of our hotel operations."</p>	Page 188	Page 189

<p>1 O. IVEY</p> <p>2 not sure I understood what they were saying</p> <p>3 here. Because most of the hotel operations,</p> <p>4 wouldn't that mean that they were still -- I</p> <p>5 mean for me, hotel operations is accepting</p> <p>6 guests. Right? When they say they're</p> <p>7 suspending most of it, I'm not sure what that</p> <p>8 meant. I mean, is it -- I'm taking it to mean</p> <p>9 that they would still be maintaining the</p> <p>10 building, like the security of the building,</p> <p>11 or whatever. But it sure didn't mean that</p> <p>12 they were taking guests.</p> <p>13 Q. The letter goes on to say: "During</p> <p>14 this time, the hotel will continue to operate</p> <p>15 with a reduced staffing to maintain the</p> <p>16 building's safety and security."</p> <p>17 Do you know who was in reduced</p> <p>18 staffing at the hotel in June of 2020?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. I wouldn't know. I wouldn't know</p> <p>21 that information, no. Unless I was there.</p> <p>22 And I wasn't.</p> <p>23 Q. But it's fair to say that in June</p> <p>24 of 2020 the hotel maintained employees at the</p> <p>25 hotel, albeit on a reduced staffing level?</p>	Page 190	Page 191
<p>1 O. IVEY</p> <p>2 ATTORNEY BRUSTEIN: Objection.</p> <p>3 A. No, I wouldn't know that.</p> <p>4 Q. You wouldn't know that? I couldn't</p> <p>5 hear you. I'm sorry.</p> <p>6 A. I wouldn't know that.</p> <p>7 Q. You can put that aside.</p> <p>8 (Defendants' Exhibit 69, letter</p> <p>9 dated August 5, 2020 was marked for</p> <p>10 identification).</p> <p>11 Q. Ms. Ivey, I'm showing you a</p> <p>12 document marked exhibit 69, a letter dated</p> <p>13 August 5, 2020. Have you seen this document</p> <p>14 before?</p> <p>15 A. I don't remember. I don't remember</p> <p>16 seeing this document. I don't know.</p> <p>17 (The witness reviews document.)</p> <p>18 A. I don't remember seeing this</p> <p>19 document.</p> <p>20 Q. Are you aware that other -- sorry,</p> <p>21 I didn't mean to cut you off, if you were</p> <p>22 still responding.</p> <p>23 A. "On temporary layoff."</p> <p>24 I don't remember. I might have. I</p> <p>25 don't remember.</p>	Page 192	Page 193
		<p>1 O. IVEY</p> <p>2 Q. Are you aware that other employees</p> <p>3 also received this same letter on August 5 of</p> <p>4 2020?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. I am not privy to knowledge of what</p> <p>7 other people received.</p> <p>8 Q. The letter provides that your</p> <p>9 temporary layoff which began on March 14, 2020</p> <p>10 is continued for an undetermined number of</p> <p>11 months.</p> <p>12 Do you believe that you were</p> <p>13 temporarily laid off on March 14, 2020?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. There was a point when I thought</p> <p>16 that I was temporarily laid off. However,</p> <p>17 after a while I started to believe that it was</p> <p>18 permanent. Because think of it. If -- if you</p> <p>19 had -- you have a husband or a wife, and that</p> <p>20 person left home to go to work and you are</p> <p>21 hearing from them while they're away at work,</p> <p>22 they're calling, checking in, keeping in</p> <p>23 touch, telling you how things are going, and</p> <p>24 then you stop hearing from your wife or your</p> <p>25 husband, and there's dead silence, would you</p>

<p>1 O. IVEY</p> <p>2 think that you're still married?</p> <p>3 Q. Ms. Ivey, you've testified to many</p> <p>4 questions today about when you believed you</p> <p>5 were terminated from your employment. This</p> <p>6 letter from August 5, 2020 identifies that the</p> <p>7 layoffs included approximately 464 employees,</p> <p>8 including yourself, and are still expected to</p> <p>9 be temporary.</p> <p>10 Do you know who those 464 employees</p> <p>11 this letter is referring to is?</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 A. I don't know.</p> <p>14 Q. Okay.</p> <p>15 A. But I think the Four Seasons would</p> <p>16 know.</p> <p>17 Q. I am asking you --</p> <p>18 A. The Four Seasons midtown would</p> <p>19 know, and you would know because you would</p> <p>20 have those records available. They would have</p> <p>21 those records available. So I wouldn't ...</p> <p>22 Q. Ms. Ivey, I am asking you as the</p> <p>23 class representative if you know who those</p> <p>24 individuals are?</p> <p>25 A. No, I wouldn't have that record.</p>	Page 194	Page 195
<p>1 O. IVEY</p> <p>2 Q. As you sit here today, is it your</p> <p>3 testimony that you believe that the hotel did</p> <p>4 not advise you about your employment status at</p> <p>5 the hotel from March 2020 to the present?</p> <p>6 ATTORNEY BRUSTEIN: Objection.</p> <p>7 A. They did inform us from about March</p> <p>8 2020, when we were going home, that the amount</p> <p>9 of time we were going to be home. Then it was</p> <p>10 extended and it was extended and then after</p> <p>11 that I believe that I was terminated without</p> <p>12 any form of notice.</p> <p>13 Q. And on August 5 of 2020 were you</p> <p>14 advised that your temporary layoff occurred on</p> <p>15 March 14, 2020 and was expected to be</p> <p>16 temporary?</p> <p>17 ATTORNEY BRUSTEIN: Objection.</p> <p>18 A. I don't know what date I was</p> <p>19 informed, because of course I don't remember.</p> <p>20 However, according to the letter it stated</p> <p>21 that it was supposed to be temporary.</p> <p>22 However, that temporary situation has now</p> <p>23 morphed into a permanent situation. Because I</p> <p>24 cannot be temporarily laid off for three</p> <p>25 years.</p>	Page 196	Page 197
<p>1 O. IVEY</p> <p>2 Q. Okay. Ms. Ivey, is it fair to say</p> <p>3 that one of your claims in this lawsuit</p> <p>4 pertains to an alleged violation of the</p> <p>5 federal WARN Act?</p> <p>6 A. Yes.</p> <p>7 Q. Is it also fair to say that one of</p> <p>8 your claims in this lawsuit pertains to an</p> <p>9 alleged violation of the New York State WARN</p> <p>10 Act?</p> <p>11 A. That is correct, yes.</p> <p>12 Q. How do you believe that the</p> <p>13 defendants violated the federal and state WARN</p> <p>14 Acts?</p> <p>15 A. I believe that we were sent home</p> <p>16 temporarily, and at some point they, Four</p> <p>17 Seasons midtown realized that it was going to</p> <p>18 be permanent. They did not warn us within the</p> <p>19 time as allowed under the law to let us know</p> <p>20 that, number one, we were going to be out, we</p> <p>21 were going to be terminated. And that is</p> <p>22 something that they should have informed us or</p> <p>23 warned us about.</p> <p>24 Q. Anything else?</p> <p>25 A. That's basically it.</p> <p>1 O. IVEY</p> <p>2 Q. Is it fair to say that the hotel</p> <p>3 did notify you that you were temporarily laid</p> <p>4 off?</p> <p>5 ATTORNEY BRUSTEIN: Objection.</p> <p>6 A. It is fair to say they did inform</p> <p>7 me I was temporarily laid off initially, yes.</p> <p>8 But what is temporary?</p> <p>9 Q. From August 2020 to the present,</p> <p>10 how frequently would you describe Hotel 57</p> <p>11 Services communicating with its employees by</p> <p>12 letters, newsletters or otherwise?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. From what date?</p> <p>15 Q. August of 2020.</p> <p>16 A. I don't remember, to be honest. I</p> <p>17 don't remember. I know that there have been</p> <p>18 some town hall meetings and letters like the</p> <p>19 ones that we have here. But I cannot tell you</p> <p>20 how often those happened.</p> <p>21 Q. Could you describe it as</p> <p>22 frequently, infrequently, or something else?</p> <p>23 A. I don't -- I would have to say in</p> <p>24 the beginning we were being informed as things</p> <p>25 developed. If there were changes, they were</p>		

<p>1 O. IVEY</p> <p>2 telling us what was going on, and they were</p> <p>3 keeping us abreast of any new development that</p> <p>4 was happening. But then after a while</p> <p>5 everything just went dark. We weren't -- we</p> <p>6 just stopped hearing from them. We didn't</p> <p>7 know what -- and I am assuming it's because</p> <p>8 they themselves didn't have any information to</p> <p>9 give to us. So how do you have a meeting</p> <p>10 without information. New information, that</p> <p>11 is.</p> <p>12 So everything just went dark. But</p> <p>13 I--</p> <p>14 Q. When did that occur?</p> <p>15 ATTORNEY BRUSTEIN: Objection.</p> <p>16 A. I don't remember what date. We</p> <p>17 haven't -- I haven't heard. I mean we haven't</p> <p>18 had meetings in a very long time.</p> <p>19 Q. Do you know whether any individuals</p> <p>20 who were employed by Hotel 57 Services LLC</p> <p>21 resigned their employment after March 2020?</p> <p>22 A. I don't know.</p> <p>23 Q. Is it fair to say that one of your</p> <p>24 claims in this lawsuit relates to whether you</p> <p>25 are entitled to no-fault separation pay under</p>	Page 198	Page 199
<p>1 O. IVEY</p> <p>2 answer that question.</p> <p>3 (Defendants' Exhibit 70, letter</p> <p>4 dated July 10, 2020 was marked for</p> <p>5 identification).</p> <p>6 Q. Ms. Ivey, I'm showing you a</p> <p>7 document that has been marked exhibit 70.</p> <p>8 It's a letter dated July 10, 2020. Have you</p> <p>9 seen this document before?</p> <p>10 (The witness reviews document.)</p> <p>11 A. I don't remember -- I don't -- I</p> <p>12 don't know if I've seen this document before.</p> <p>13 I-- I don't recall.</p> <p>14 Q. In the first paragraph it reads:</p> <p>15 As of July 11, 2020 we will only allow</p> <p>16 employees who are working at the hotel to be</p> <p>17 on property.</p> <p>18 Does this letter refresh your</p> <p>19 recollection that there were employees working</p> <p>20 at the property in July of 2020?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. Well, the letter states that there</p> <p>23 were people there. As far as me knowing that</p> <p>24 there were people there, I don't know. The</p> <p>25 letter is saying that there were people there.</p>	Page 200	Page 201

<p>1 O. IVEY</p> <p>2 said she didn't know.</p> <p>3 A. Yeah, and I said to you I don't</p> <p>4 know. I don't know if there were --</p> <p>5 ATTORNEY BRUSTEIN: There's no</p> <p>6 coaching.</p> <p>7 A. I did say that. I said the letter</p> <p>8 indicates that there were people there.</p> <p>9 Right? As far as I personally knowing that, I</p> <p>10 don't. Because I wasn't there.</p> <p>11 Q. But you previously testified that</p> <p>12 if the hotel was in operation for temporary</p> <p>13 housing of first responders there would be</p> <p>14 employees there, did you not?</p> <p>15 A. Yes, of course.</p> <p>16 Q. Okay. And do you know how many</p> <p>17 employees would have been there?</p> <p>18 A. No.</p> <p>19 Q. Do you know their names?</p> <p>20 A. I wouldn't know who was there.</p> <p>21 Because I wasn't there.</p> <p>22 Q. As a class representative, do you</p> <p>23 believe it's your responsibility to know who</p> <p>24 was working at the hotel in July of 2020?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	Page 202	Page 203
<p>1 O. IVEY</p> <p>2 (Defendants' Exhibit 41, Staley</p> <p>3 v FSR 0057 was previously marked for</p> <p>4 identification.)</p> <p>5 Q. Ms. Ivey I've shown you a document</p> <p>6 marked exhibit 41. It's a letter dated August</p> <p>7 11, 2020 and it's Bates-numbered Staley v FSR</p> <p>8 0057.</p> <p>9 Do you recall receiving this?</p> <p>10 (The witness reviews document.)</p> <p>11 A. I don't -- I don't remember if I</p> <p>12 received it. I don't.</p> <p>13 Q. In the second sentence it says: As</p> <p>14 you are aware, the coronavirus is still active</p> <p>15 worldwide and specifically in New York City.</p> <p>16 Does this refresh your recollection</p> <p>17 about the coronavirus being active worldwide</p> <p>18 and specifically in New York at that time?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. Well, this doesn't really spur my</p> <p>21 memory. However, I think that at this time,</p> <p>22 yes, the coronavirus was going on, was still</p> <p>23 very, very active.</p> <p>24 Q. Thank you.</p> <p>25 (Defendants' Exhibit 42, Staley</p>	Page 204	Page 205

<p>1 O. IVEY</p> <p>2 A. No. I know it's more than one,</p> <p>3 more than two. But I don't -- I don't recall.</p> <p>4 Q. More than ten?</p> <p>5 A. I wasn't keeping count, so I don't</p> <p>6 know.</p> <p>7 Q. That's okay. One of the questions</p> <p>8 and answers in this document reads: During</p> <p>9 the temporary closure may I visit the hotel?</p> <p>10 And it says yes.</p> <p>11 Do you recall ever inquiring about</p> <p>12 visiting the hotel during its temporary</p> <p>13 closure?</p> <p>14 A. Yes.</p> <p>15 Q. And did you visit the hotel during</p> <p>16 its temporary closure?</p> <p>17 A. Yes. I went to get my -- I have</p> <p>18 clothes there, my personal clothes that I</p> <p>19 store in a locker, and I did go there to</p> <p>20 retrieve them.</p> <p>21 (Defendants' Exhibit 43, Staley v</p> <p>22 FSR 0221 was previously marked for</p> <p>23 identification.)</p> <p>24 Q. I am showing you a document</p> <p>25 previously marked exhibit 43. It's</p>	Page 206	Page 207
<p>1 O. IVEY</p> <p>2 was previously marked for</p> <p>3 identification.)</p> <p>4 Q. Ms. Ivey I'm showing you a document</p> <p>5 previously marked exhibit 44. It's Bates</p> <p>6 number Staley v FSR 0058 dated October 5,</p> <p>7 2020. Do you recall receiving this letter?</p> <p>8 (The witness reviews document.)</p> <p>9 A. I don't remember if I received this</p> <p>10 letter.</p> <p>11 Q. That's okay. We can move on.</p> <p>12 (Defendants' Exhibit 45, Staley</p> <p>13 v FSR 0001 was previously marked for</p> <p>14 identification.)</p> <p>15 Q. Ms. Ivey, I am showing you a</p> <p>16 document previously marked exhibit 45 bearing</p> <p>17 Bates numbers Staley v FSR 0001. Have you</p> <p>18 seen this document before?</p> <p>19 (The witness reviews document.)</p> <p>20 A. I don't remember.</p> <p>21 Q. It was from Elizabeth Ortiz sent on</p> <p>22 November 19, 2020 to NYF All Staff DST.</p> <p>23 Do you know what that email list</p> <p>24 includes; who would be on it?</p> <p>25 A. I know that all staff is usually</p>	Page 208	Page 209

<p>1 O. IVEY</p> <p>2 document previously marked exhibit 46 bearing</p> <p>3 Bates number Staley v FSR 0059 dated December</p> <p>4 3, 2020.</p> <p>5 Do you recall receiving this</p> <p>6 letter?</p> <p>7 (The witness reviews document.)</p> <p>8 A. I don't remember one way or the</p> <p>9 other if I received this letter.</p> <p>10 Q. The letter provides in the third</p> <p>11 paragraph, the second sentence: Most major</p> <p>12 attractions remain closed while restaurants</p> <p>13 suffer from several eliminations.</p> <p>14 Do you recall whether Broadway was</p> <p>15 closed in December of 2020?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. I think -- yeah. I think that at</p> <p>18 that time, yes, Broadway was -- I think</p> <p>19 Broadway was closed, as was most places.</p> <p>20 Q. Do you recall when Broadway</p> <p>21 reopened?</p> <p>22 A. I don't remember when it was</p> <p>23 reopened.</p> <p>24 Q. The email continues in the fourth</p> <p>25 paragraph: As such, we wanted to let you know</p>	Page 210	Page 211
<p>1 O. IVEY</p> <p>2 the town hall that occurred on June 25, 2021.</p> <p>3 Do you recall that discussion before?</p> <p>4 A. Yes.</p> <p>5 Q. During that town hall, do you</p> <p>6 recall who was speaking?</p> <p>7 A. There were so many people speaking.</p> <p>8 I can't -- I can't recall.</p> <p>9 Q. Did anyone from Hotel 57 Services,</p> <p>10 LLC say during that town hall that your</p> <p>11 employment was terminated?</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 A. No one said that in so many words.</p> <p>14 Q. Did you receive a notice of</p> <p>15 termination of employment after the June 25,</p> <p>16 2021 town hall?</p> <p>17 A. I did not receive a letter of</p> <p>18 termination from that meeting. However,</p> <p>19 during the meeting so many questions were</p> <p>20 asked, and one of the questions that was asked</p> <p>21 was, you know, when we would be returning, and</p> <p>22 we were informed of all of the projects that</p> <p>23 were under way. And the director of</p> <p>24 engineering was speaking on some of the</p> <p>25 projects. And one of the projects that he</p>	Page 212	Page 213

<p>1 O. IVEY</p> <p>2 Q. That wasn't my question. I was</p> <p>3 just asking whether or not you were aware of a</p> <p>4 requirement to provide five days written</p> <p>5 notice following a termination of employment?</p> <p>6 ATTORNEY BRUSTEIN: Objection.</p> <p>7 A. I don't know the law per se.</p> <p>8 Anything that I know is either what I</p> <p>9 researched for myself or what my attorneys.</p> <p>10 Q. Did you ever receive a letter of</p> <p>11 notice of termination of employment from Hotel</p> <p>12 57 Services?</p> <p>13 A. I did not receive a letter of</p> <p>14 termination, except I did tell you that I was</p> <p>15 informed by Principal that I should remove my</p> <p>16 money, or I have the option to remove my</p> <p>17 money, because I was terminated.</p> <p>18 Also, if you would notice on the</p> <p>19 exhibit that you showed me of my pay stub,</p> <p>20 right? If I am still employed by Four Seasons</p> <p>21 why is it then that no money was contributed.</p> <p>22 On those times that I worked on task force, no</p> <p>23 money was taken from, I mean from my vacation,</p> <p>24 no money was taken. They paid me vacation but</p> <p>25 no contribution was made to my 401(k). And</p>	Page 214	Page 215
<p>1 O. IVEY</p> <p>2 answer the question that's before you.</p> <p>3 Narratives that are not responsive to a</p> <p>4 question is just going to keep us here a lot</p> <p>5 longer.</p> <p>6 A. Okay.</p> <p>7 Q. You previously testified that</p> <p>8 Principal is a separate entity from Hotel 57</p> <p>9 Services LLC, is that correct?</p> <p>10 A. Yes, that's correct.</p> <p>11 Q. Do you have any supervisors at</p> <p>12 Principal?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. I do not have supervisors at</p> <p>15 Principal. But I do have people from people</p> <p>16 and culture, just the same way they inform</p> <p>17 Principal that when I am employed, that okay,</p> <p>18 we have a new employee, this is going to</p> <p>19 happen. When they terminate people that's how</p> <p>20 they also send them notice to Principal saying</p> <p>21 who was terminated. And I think that's how</p> <p>22 Principal was able to tell me that I need to</p> <p>23 move my money and I can no longer contribute</p> <p>24 to my retirement plan.</p> <p>25 Q. Ms. Ivey, is it your testimony that</p>	Page 216	Page 217
<p>1 O. IVEY</p> <p>2 that made -- there were so many -- there was</p> <p>3 more than one reason why I know I was</p> <p>4 terminated. And that leaves me to ask the</p> <p>5 question, why is it that no one from Four</p> <p>6 Seasons midtown informed me that I was</p> <p>7 terminated. Why did I have to find out from</p> <p>8 someone else.</p> <p>9 Q. Is Principal a separate entity from</p> <p>10 Hotel 57 Services LLC?</p> <p>11 ATTORNEY BRUSTEIN: Objection.</p> <p>12 A. They are a separate entity.</p> <p>13 However, they do communicate with each other.</p> <p>14 Q. This is a yes or no question. Did</p> <p>15 you --</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 Q. -- receive a written notice of</p> <p>18 termination of employment from Hotel 57</p> <p>19 Services?</p> <p>20 ATTORNEY BRUSTEIN: Objection.</p> <p>21 A. I did not receive a letter of</p> <p>22 termination. However, Principal told me they</p> <p>23 received one.</p> <p>24 Q. Ms. Ivey, when I'm asking a</p> <p>25 question, I would ask you to listen to it and</p>	Page 216	Page 217

<p>1 O. IVEY</p> <p>2 Q. Does this letter refresh your</p> <p>3 recollection that during the town hall you</p> <p>4 were advised that the hotel will continue to</p> <p>5 remain closed as a hotel, will be undergoing</p> <p>6 substantial infrastructure and maintenance</p> <p>7 work that is expected to last well into 2022?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. I think that that was said, that</p> <p>10 there was -- yeah.</p> <p>11 Q. The letter continues: Upon</p> <p>12 reopening, we are committed to recalling</p> <p>13 employees as business levels rebound.</p> <p>14 Does the letter say that?</p> <p>15 A. The letter says that.</p> <p>16 Q. Do you see anywhere in this letter</p> <p>17 that it references the termination of</p> <p>18 employment of any employee?</p> <p>19 A. There is nothing in this letter</p> <p>20 that says that.</p> <p>21 Q. And you previously testified that</p> <p>22 you did not ask any questions either verbally</p> <p>23 or in any written format during that town hall</p> <p>24 meeting on June 25, 2021, is that correct?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	Page 218	Page 219
<p>1 O. IVEY</p> <p>2 Q. Please turn to the last page</p> <p>3 bearing Bates number Staley v FSR 0085.</p> <p>4 A. Yes.</p> <p>5 Q. Do you identify any individuals</p> <p>6 listed under Anniversaries?</p> <p>7 A. Yes.</p> <p>8 Q. Can you identify those people who</p> <p>9 you recognize, please?</p> <p>10 A. Pamela Mapp, Winnie Chan, Maribel</p> <p>11 Rodriguez.</p> <p>12 Q. Anyone else?</p> <p>13 A. Edward Nieves, Lyneate Agyeman.</p> <p>14 Q. Looking at Pamela Mapp</p> <p>15 specifically, it identifies 28 years on July</p> <p>16 12. Does that reference, based upon your</p> <p>17 review of this document, her years of service</p> <p>18 at Hotel 57 Services LLC, at the hotel?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. Well, this document says that. I</p> <p>21 don't know how many years she -- I know she's</p> <p>22 a long-term employee. I don't know how many</p> <p>23 years she was there.</p> <p>24 Q. Ms. Ivey, we've reviewed an initial</p> <p>25 complaint and the amended complaint in this</p>	Page 220	Page 221

<p>1 O. IVEY</p> <p>2 are out of work, it forfeits any form of</p> <p>3 future severance pay that we would have been</p> <p>4 entitled to.</p> <p>5 You -- the Four Seasons midtown is</p> <p>6 telling me that while having me out of work,</p> <p>7 either indefinitely or having terminated me</p> <p>8 without any form of notice.</p> <p>9 If you are terminating me you</p> <p>10 should give me notice and give me the option</p> <p>11 of moving on. Give me closure. Give other</p> <p>12 people in similar position closure. I think</p> <p>13 that we deserve that. Even if we were working</p> <p>14 there for one day, we deserve that. We have</p> <p>15 families. We are human beings. We have</p> <p>16 committed our lives and grew up with Four</p> <p>17 Seasons. I went there in my 20s. I'm 53</p> <p>18 years old. 53 years old. And I have</p> <p>19 committed myself, I have worked many hours in</p> <p>20 that place. Never questioned anything that I</p> <p>21 was doing. Totally, totally loyal and</p> <p>22 committed to the Four Seasons brand, and then</p> <p>23 you come and tell me I cannot work or forfeit</p> <p>24 anything that I have coming to me, when I have</p> <p>25 a family to feed, I have a child, I have a</p>	Page 222	Page 223
<p>1 O. IVEY</p> <p>2 break?</p> <p>3 ATTORNEY BRUSTEIN: Do you need a</p> <p>4 break?</p> <p>5 ATTORNEY BOLAND: Yes, we're going</p> <p>6 to take a break.</p> <p>7 ATTORNEY LUNDY: Let's take a</p> <p>8 break.</p> <p>9 A. It is so wrong. You guys have no</p> <p>10 idea --</p> <p>11 ATTORNEY LUNDY: We're off --</p> <p>12 ATTORNEY BRUSTEIN: She's still</p> <p>13 talking.</p> <p>14 ATTORNEY BOLAND: She's still</p> <p>15 talking.</p> <p>16 A. You guys have no idea what this</p> <p>17 does to me as a person. Can you imagine, I</p> <p>18 joined this company in my 20s? I'm now 53</p> <p>19 years old and to be unceremoniously let go</p> <p>20 from a company that I have served almost all</p> <p>21 of my adult life? Come on, guys. This is not</p> <p>22 right.</p> <p>23 I have never been in a courthouse</p> <p>24 setting before. This is not how I was raised.</p> <p>25 I was not raised to go against anyone or</p>	Page 224	Page 225

<p>1 O. IVEY</p> <p>2 EmPact agreement which is attached to the</p> <p>3 Brustein declaration.</p> <p>4 ATTORNEY BRUSTEIN: Is that 10?</p> <p>5 ATTORNEY LUNDY: Yes, it's 10.</p> <p>6 Good memory.</p> <p>7 Q. Ms. Ivey, I appreciate what you</p> <p>8 believe you've heard being shared with you by</p> <p>9 the hotel relative to your employment status.</p> <p>10 But do you think it's possible that you may</p> <p>11 have misinterpreted what was being shared to</p> <p>12 you by the hotel and your ability to work</p> <p>13 while the hotel remained on temporary closure?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. No.</p> <p>16 Q. I would like to refer you to page</p> <p>17 27 of the EmPact agreement, which I believe</p> <p>18 you have in front of you.</p> <p>19 The bottom is titled Moonlighting</p> <p>20 and Outside Employment.</p> <p>21 The agreement always allowed you to</p> <p>22 work and moonlight outside of your employment</p> <p>23 at Hotel 57 Services LLC. Do you see that?</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. Yes.</p>	Page 226	Page 227
<p>1 O. IVEY</p> <p>2 we are out of work, will that affect our --</p> <p>3 any severance pay that might be coming to us.</p> <p>4 And you could go back and listen to the</p> <p>5 recording. Elizabeth was clear in her</p> <p>6 response. I don't see how I could have</p> <p>7 interpreted it any other way other than how I</p> <p>8 interpreted it.</p> <p>9 Q. Looking at the EmPact agreement at</p> <p>10 page 27 under moonlighting and outside</p> <p>11 employment. It reads: I am free to have</p> <p>12 outside employment and activities.</p> <p>13 Do you see that?</p> <p>14 A. I see that.</p> <p>15 Q. And does the contract allow you to</p> <p>16 have outside employment consistent with the</p> <p>17 terms of this provision?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. Well, this is what this is saying.</p> <p>20 Moonlighting is taking up a second, I would</p> <p>21 look at it as, okay, you have a second job</p> <p>22 that substitutes your job, whatever income you</p> <p>23 have going on at the Four Seasons. However,</p> <p>24 when the question was asked of Elizabeth, this</p> <p>25 is what her response was. She said if we take</p>	Page 228	Page 229

<p>1 O. IVEY</p> <p>2 Q. Ms. Ivey, when was the last time</p> <p>3 you listened to that recording?</p> <p>4 A. The last time I listened to that</p> <p>5 recording was -- I don't remember. I can't --</p> <p>6 I don't remember when was the last time I</p> <p>7 listened to it.</p> <p>8 ATTORNEY BOLAND: Dates.</p> <p>9 A. I don't remember dates. I have</p> <p>10 worked on my birthday before not remembering</p> <p>11 it was my birthday.</p> <p>12 ATTORNEY BOLAND: I'm with you.</p> <p>13 A. And it was a switch with someone</p> <p>14 else. I wasn't scheduled to work.</p> <p>15 Q. Ms. Ivey, I am going to refer you</p> <p>16 back to the amended complaint at paragraph</p> <p>17 228.</p> <p>18 A. This one?</p> <p>19 Q. The one right next to you, yes.</p> <p>20 The amended complaint. It's on page 31.</p> <p>21 Paragraph 228. Do you see that there?</p> <p>22 A. Mm-hmm.</p> <p>23 Q. And Ms. Ivey, you previously</p> <p>24 testified that the content of your amended</p> <p>25 complaint is true and accurate, did you not?</p>	Page 230	Page 231
<p>1 O. IVEY</p> <p>2 anticipated recalling you back?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. The fact that -- okay. Four</p> <p>5 Seasons New York midtown is considering --</p> <p>6 Ms. Ortiz is saying we are on layoff.</p> <p>7 Q. Ms. Ivey --</p> <p>8 A. However -- hold on. I am trying to</p> <p>9 understand. Can layoff be permanent?</p> <p>10 Q. The purpose of this deposition is</p> <p>11 not to ask a question. Perhaps we should go</p> <p>12 back and look at paragraph 228 and confirm</p> <p>13 that this is a paragraph that you have</p> <p>14 previously identified as being part of the</p> <p>15 amended complaint -- 228, the one I just read</p> <p>16 from -- as being true and accurate. Is that</p> <p>17 correct?</p> <p>18 ATTORNEY BRUSTEIN: Objection.</p> <p>19 A. Just give me one second. Let me</p> <p>20 look at it.</p> <p>21 (The witness reviews document.)</p> <p>22 A. Yes, she did -- I am assuming that</p> <p>23 she did say this.</p> <p>24 Q. The term "resignation" wasn't used,</p> <p>25 or at least not referenced in this paragraph</p>	Page 232	Page 233
		<p>1 O. IVEY</p> <p>2 228 of your amended complaint.</p> <p>3 A. Mm-hmm.</p> <p>4 Q. But was the idea of leaving the</p> <p>5 hotel to accept employment used?</p> <p>6 ATTORNEY BRUSTEIN: Objection.</p> <p>7 A. I don't see that here.</p> <p>8 Q. Reading paragraph -- I'm sorry.</p> <p>9 Reading page 27 of the EmPact agreement today,</p> <p>10 do you understand that if you were on, whether</p> <p>11 actively working or on temporary furlough from</p> <p>12 the hotel, you would be permitted to find</p> <p>13 outside employment?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 Q. Based upon your reading of the</p> <p>16 agreement?</p> <p>17 ATTORNEY BRUSTEIN: Objection.</p> <p>18 A. I am looking that if I am</p> <p>19 temporarily furloughed, that I would be able</p> <p>20 to take up employment based on what I see</p> <p>21 here. But that is not what was communicated</p> <p>22 to us on the meeting.</p> <p>23 Q. And I refer you back to, Ms. Ivey,</p> <p>24 to paragraph 228. And you previously</p> <p>25 testified that the contents of your amended</p>

<p>1 O. IVEY</p> <p>2 complaint was true and accurate, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Is there anything in paragraph 228</p> <p>5 that references that you were terminated from</p> <p>6 your employment?</p> <p>7 ATTORNEY BRUSTEIN: Objection.</p> <p>8 A. No. It did reference that I was</p> <p>9 permanently laid off.</p> <p>10 Q. Where in paragraph 228 does it use</p> <p>11 the word permanently laid off?</p> <p>12 A. It's – there is nothing in the</p> <p>13 paragraph that said I'm permanently laid off,</p> <p>14 but if I am out of work for so many years, and</p> <p>15 you're still telling me that I am furloughed</p> <p>16 with no end in sight, then I'm going to</p> <p>17 take – I do believe that at that juncture</p> <p>18 that we are not furloughed.</p> <p>19 Q. That might be your impression,</p> <p>20 Ms. Ivey. But what was relayed to you as</p> <p>21 referenced in paragraph 228 was that Hotel 57</p> <p>22 Services considered you to be furloughed and</p> <p>23 anticipated recalling you to work once the</p> <p>24 hotel does reopen, does it say that?</p> <p>25 ATTORNEY BRUSTEIN: Objection.</p>	Page 234	Page 235
<p>1 O. IVEY</p> <p>2 A. Yes.</p> <p>3 Q. And as you sit here today what do</p> <p>4 you believe to be your continuous service</p> <p>5 years for Hotel 57 Services LLC for purposes</p> <p>6 of calculating no-fault separation pay?</p> <p>7 A. It would be somewhere in the 24</p> <p>8 years.</p> <p>9 Q. Do you believe that your years of</p> <p>10 service should continue from March 20, 2020 to</p> <p>11 the present?</p> <p>12 ATTORNEY BRUSTEIN: Objection.</p> <p>13 A. Until today?</p> <p>14 Q. Yes.</p> <p>15 A. It couldn't be until today.</p> <p>16 Because I was already terminated.</p> <p>17 Q. Do you know the amount of no-fault</p> <p>18 separation pay you are seeking in this</p> <p>19 lawsuit, based upon the formula set forth on</p> <p>20 page 57?</p> <p>21 A. I don't know the -- it was</p> <p>22 calculated for me by my attorneys. I cannot</p> <p>23 tell you off the top of my head how much that</p> <p>24 is.</p> <p>25 (Defendants' Exhibit 28, letter</p>	Page 236	Page 237

<p>1 O. IVEY</p> <p>2 Plaintiff's Olive Ivey estimated damages are</p> <p>3 as follows.</p> <p>4 And I'm looking at (i). It lists</p> <p>5 \$44,500 in no-fault separation pay. Do you</p> <p>6 see that?</p> <p>7 A. I see that.</p> <p>8 Q. And is it your understanding that</p> <p>9 the sum of \$44,500 is the amount of no-fault</p> <p>10 separation pay that you would be entitled to</p> <p>11 based upon your continuous years of service</p> <p>12 for the hotel as outlined on page 57 of the</p> <p>13 EmPact agreement?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. Well, that is what my attorneys</p> <p>16 estimated it to be based on their knowledge of</p> <p>17 how this has to be calculated --</p> <p>18 Q. And you verified that, right?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So let's turn back to the</p> <p>21 EmPact agreement, please. You have previously</p> <p>22 testified that you are proceeding with this</p> <p>23 lawsuit as a potential class representative</p> <p>24 for other employees of the hotel, is that</p> <p>25 right?</p>	Page 238	Page 239
<p>1 O. IVEY</p> <p>2 recall or I am terminated for no-fault, my</p> <p>3 termination will be considered no-fault.</p> <p>4 Do you understand that in this</p> <p>5 lawsuit you're asking the court to determine</p> <p>6 that you were terminated from your employment</p> <p>7 and you will not have a right to be recalled</p> <p>8 to the hotel?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. Yes.</p> <p>11 Q. And as a class representative, do</p> <p>12 you know if anyone else is willing to give up</p> <p>13 their right to recall for payment of the</p> <p>14 no-fault separation pay if the hotel was to</p> <p>15 reopen?</p> <p>16 ATTORNEY BRUSTEIN: Objection.</p> <p>17 A. I don't know that. But I'm sure</p> <p>18 that my attorneys will be able to ascertain</p> <p>19 that information.</p> <p>20 Q. Is it possible that there are</p> <p>21 individuals or employees of Hotel 57 Services</p> <p>22 who would like to be recalled to the hotel</p> <p>23 when it reopens?</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. Probably.</p>	Page 240	Page 241

<p>1 O. IVEY</p> <p>2 Services also employs union members?</p> <p>3 ATTORNEY BRUSTEIN: Objection.</p> <p>4 A. (No response.)</p> <p>5 Q. Let me rephrase the question. Are</p> <p>6 you aware that individuals who are part of a</p> <p>7 union are employed by Hotel 57 Services LLC?</p> <p>8 ATTORNEY BRUSTEIN: Objection.</p> <p>9 A. Yes.</p> <p>10 Q. And do you know whether they are</p> <p>11 also subject to the same agreement as you,</p> <p>12 this EmPact agreement that we've been</p> <p>13 reviewing today?</p> <p>14 ATTORNEY BRUSTEIN: Objection.</p> <p>15 A. There are certain aspects of the</p> <p>16 EmPact agreement that they are -- that they're</p> <p>17 bound by. But they also have a union</p> <p>18 contract.</p> <p>19 Q. A collective bargaining agreement?</p> <p>20 A. Yes.</p> <p>21 Q. And do you know whether that</p> <p>22 collective bargaining agreement sets forth</p> <p>23 their terms of compensation as an employee of</p> <p>24 the hotel?</p> <p>25 A. I do not know what's in their</p>	Page 242	Page 243
<p>1 O. IVEY</p> <p>2 A. I have heard that there are people</p> <p>3 who have opted to receive compensation. I am</p> <p>4 not -- I heard. I am not -- I haven't spoken</p> <p>5 to anyone who said I have taken money.</p> <p>6 Q. Do you believe that union employees</p> <p>7 governed by a collective bargaining agreement</p> <p>8 are similarly situated to you?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. Yes.</p> <p>11 Q. In what way?</p> <p>12 A. Well, they -- they're out of work</p> <p>13 also. They were not adequately notified,</p> <p>14 properly notified as they should have been</p> <p>15 under the WARN Act. The difference for them</p> <p>16 is that they are allowed under the union to be</p> <p>17 employed, they are able to go to the union</p> <p>18 house and have employment without losing their</p> <p>19 status with the Four Seasons.</p> <p>20 Q. How do you know they were not</p> <p>21 properly notified, as you've just testified</p> <p>22 to?</p> <p>23 A. Well, I don't --</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. -- I don't think any of us were.</p>	Page 244	Page 245

<p>1 O. IVEY</p> <p>2 human resources office about your concerns</p> <p>3 about payment of no-fault separation pay?</p> <p>4 ATTORNEY BRUSTEIN: Objection.</p> <p>5 A. No.</p> <p>6 Q. Did you ever request the director</p> <p>7 of human resources to assist you in preparing</p> <p>8 any type of internal complaint about a concern</p> <p>9 about no-fault separation pay?</p> <p>10 ATTORNEY BRUSTEIN: Objection.</p> <p>11 A. No.</p> <p>12 Q. Did you ever receive any written</p> <p>13 decision on any complaint to human resources</p> <p>14 regarding your concerns about no-fault</p> <p>15 separation pay?</p> <p>16 A. No.</p> <p>17 Q. Did you ever file an appeal to a</p> <p>18 general manager of the hotel about any</p> <p>19 decision by human resources regarding the</p> <p>20 failure to pay no-fault separation pay?</p> <p>21 ATTORNEY BRUSTEIN: Objection.</p> <p>22 A. While there was a GM, no.</p> <p>23 Q. Was the first time you raised the</p> <p>24 concerns about the failure to pay no-fault</p> <p>25 separation pay in this lawsuit?</p>	Page 246	Page 247
<p>1 O. IVEY</p> <p>2 you're saying?</p> <p>3 A. The question was asked.</p> <p>4 Q. Okay.</p> <p>5 A. And a response was given.</p> <p>6 Q. Okay. But the first time that you</p> <p>7 raised a complaint about not being paid</p> <p>8 no-fault separation pay was when this lawsuit</p> <p>9 was filed, is that correct?</p> <p>10 A. I never spoke with anyone at the</p> <p>11 Four Seasons about that.</p> <p>12 Q. Okay. Thank you. I just have one</p> <p>13 more line of questioning. It should be pretty</p> <p>14 quick.</p> <p>15 ATTORNEY LUNDY: Do we want to take</p> <p>16 a break or do you want to keep going?</p> <p>17 I'm okay to keep going. Ms. Ivey, are</p> <p>18 you all right?</p> <p>19 THE WITNESS: I'm okay.</p> <p>20 ATTORNEY LUNDY: Okay, great.</p> <p>21 Q. Ms. Ivey, we were looking at a</p> <p>22 document letter marked exhibit 28, it's a</p> <p>23 letter from February 24, 2023. And it</p> <p>24 identifies your estimated damages in this</p> <p>25 lawsuit. Can you look at that, please?</p>	Page 248	Page 249

<p>1 O. IVEY</p> <p>2 ATTORNEY BRUSTEIN: Objection.</p> <p>3 A. No.</p> <p>4 ATTORNEY BOLAND: That question</p> <p>5 answered itself.</p> <p>6 Q. I also see items 2 and 3 listed in</p> <p>7 section C but without a specific accounting,</p> <p>8 is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And as we sit here today, you're</p> <p>11 unaware of what those specific estimated</p> <p>12 damages are, is that right?</p> <p>13 ATTORNEY BRUSTEIN: Objection.</p> <p>14 A. I am unaware. My understanding is</p> <p>15 that it will be whatever the court decides.</p> <p>16 Q. Are you aware of any monetary</p> <p>17 damages Ms. Selena Staley sustained in</p> <p>18 connection with this lawsuit?</p> <p>19 ATTORNEY BRUSTEIN: Objection.</p> <p>20 A. No.</p> <p>21 Q. Are you aware of any monetary</p> <p>22 damages allegedly sustained by Vivian Holmes</p> <p>23 in connection with this lawsuit?</p> <p>24 ATTORNEY BRUSTEIN: Objection.</p> <p>25 A. No.</p>	Page 250	Page 251
<p>1 O. IVEY</p> <p>2 BY ATTORNEY LUNDY:</p> <p>3 Q. Ms. Ivey, we were just discussing</p> <p>4 the damages in this matter as outlined in the</p> <p>5 February 24, 2023 letter at exhibit 28. How</p> <p>6 do you feel that you have been financially</p> <p>7 harmed by what the defendants did since the</p> <p>8 beginning of COVID-19?</p> <p>9 ATTORNEY BRUSTEIN: Objection.</p> <p>10 A. How do I feel ...</p> <p>11 Q. That you have been financially</p> <p>12 harmed by what the defendants did since the</p> <p>13 beginning of COVID-19?</p> <p>14 A. Well, I have been unemployed. It</p> <p>15 was my sole way of making a living, and based</p> <p>16 on what Ms. Ortiz said, that we weren't</p> <p>17 allowed to seek employment or forfeit any</p> <p>18 possible severance fee that would have been</p> <p>19 coming to us if we worked, that left me</p> <p>20 between a rock and a hard place. I felt like</p> <p>21 okay, I am not able to work and they're not --</p> <p>22 we're not returning to the Four Seasons</p> <p>23 midtown, we're not able to take up</p> <p>24 unemployment. If we take up unemployment</p> <p>25 then -- if I take up unemployment then my 25</p>	Page 252	Page 253

<p>1 O. IVEY 2 legal matters. However, I am sure my 3 attorneys are competent it enough to basically 4 advise me on what would be fair. 5 Q. Ms. Ivey, in paragraph 23 of your 6 amended complaint it reads: By reason of 7 defendants' unlawful conduct plaintiffs and 8 others similarly situated have suffered 9 monetary damages and other resulting injury 10 and loss. 11 Is it fair to say that others 12 similarly situated suffered other injury and 13 loss different from your own? 14 ATTORNEY BRUSTEIN: Objection. 15 A. I cannot say what or how much they 16 have suffered. However, I am sure if you -- 17 if they went from getting a paycheck every 18 week consistently, being able to budget and 19 being able to live a particular way, and then 20 going from something to nothing, it's obvious 21 that they would be affected. 22 ATTORNEY LUNDY: I have no further 23 questions. Thank you, Ms. Ivey. 24 THE WITNESS: Thank you. 25 ATTORNEY WAGNER: No questions from</p>	Page 254	Page 255
<p>1 O. IVEY 2 ATTORNEY BROMBERG: We're reserving 3 review and signature. 4 ATTORNEY LUNDY: Thank you, 5 Ms. Ivey. 6 -- 7 (Time noted: 5:01 p.m. EDT) 8 9 _____ 10 OLIVE IVEY 11 12 Sworn and subscribed to before 13 me this _____ day 14 of _____, 2023, 15 in the jurisdiction aforesaid. 16 17 _____ 18 NOTARY PUBLIC 19 20 21 22 23 24 25</p>	Page 256	Page 257

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<p>1 ERRATA SHEET</p> <p>2 Case Name:</p> <p>3 Deposition Date:</p> <p>4 Deponent:</p> <p>5 Pg. No. Now Reads Should Read Reason</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 Signature of Deponent</p> <p>22 SUBSCRIBED AND SWORN BEFORE ME</p> <p>23 THIS ____ DAY OF _____, 2023.</p> <p>24 _____</p> <p>25 (Notary Public) MY COMMISSION EXPIRES: _____</p>	Page 262

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